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UNIVERSITY OF ALBERTA

MORAL RULES, VIRTUE AND MORAL EDUCATION

BY

© MICHAEL KEVIN MCDONOUGH

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF EDUCATION.

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ABSTRACT

In this thesis I appraise two theories of moral rules and assess their implications for moral education. First I describe what I term the 'strong view' of moral rules, as expounded in R.M. Hare's Moral Thinking. For Hare, most of our moral thinking, even as mature moral agents, is conducted according to relatively simple, general rules which we apply in our everyday 'intuitive' moral thinking. In the rare cases when these rules are inadequate for moral decision making - for example when they conflict or when we just do not have a rule for a particular situation - we should employ what Hare calls archangelic, act-utilitarian, critical moral thinking. I essentially try to impale Hare on the horns of a dilemma. I argue that his intuitive thinking is far too simplistic to account for the complexities of everyday moral thinking. One relies on it at the peril of oversimplifying one's moral outlook dangerously. On the other hand, when the intuitive level is inadequate, the only alternative Hare offers is critical thinking, which is act-utilitarian. If this level of moral thinking is required to occupy the role of moral judgement, then Hare's theory is a sitting duck for the devestating objections made against act-utilitarian theories.

Second, I outline and defend a weaker view of moral rules based on Aristotle's philosophy, particularly his Nichomachean Ethics. Aristotle views moral rules not as ongoing constraints in moral judgement but as crutches which help one to take one's first halting moral steps but which can be dispensed with once autonomous, mature moral judgement is developed. Virtue is a matter of exercising what Aristotle calls 'practical wisdom' or *phronesis* rather than simply the possession of certain internalized 'rules' or precepts. Moral education, then, must emphasize the importance of teaching by example as opposed to teaching simple

rules, which are merely summaries of excellent moral judgements. If it does not, we are liable to encourage in children an objectionable kind of moral naivete and inauthenticity.

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INTRODUCTION

There are at least two obvious truths that educators need to take seriously in the area of moral education, an area where much is not obvious at all. The first of these truths is that morality, virtue, is in some sense inevitably learned. Children undergo a process of training whereby they come to learn to value certain things and disdain others. Most of us would choose lives for our children and other children in which such things as truth-telling, respect for others' property, loving regard for friends and family, concern for the well-being of all people and sentient beings, a concern for justice, and other values all flourish in some 'proper' sense. Most of us are concerned to see that some such values are inculcated in children from a very young age.

There is also a second obvious truth. When issues of moral education like the ones listed above arise, the issue of moral rules or principles becomes a primary, if not the paramount, concern. The kinds of concerns listed above often find their expression in the form of rules. For example, we wish to teach our children not to tell lies. We wish to teach them not to steal, not to exploit others, to be fair, to love others when this is appropriate, and in an appropriate way, etc. The purpose of wanting children to in some sense have these rules as a part of their moral character is based on the belief that these rules will help children to make better moral judgements in the future. We might say that learning these rules will make some important contribution to a child's moral development, a development towards moral excellence.

It also seems to me that one can take one of at least two broad positions with regard to moral rules, and their role in moral education. Which of these positions one adopts will affect the kind of moral education one advocates and practices. On the one hand, one might place a strong emphasis on the role of such rules in the development of a morally excellent character. Thus, development of moral excellence might largely consist in refining and making more complex one's code of principles to take account of increasingly rich moral experience as one progressed through puberty, adolescence and into moral adulthood. Of course, such principles would need to be of limited complexity or specificity if they were to be practical guides to humans in the face of limitations of time, stress, conflict, etc. But nonetheless, moral development would at least largely be a matter of reinforcing and buttressing some kind of moral code of general rules which are to be adhered to vigorously in a broad range of cases.

Alternatively, one might be inclined to take a much weaker view of the moral importance of rules, particularly their importance to moral education. One might think that such rules in and of themselves are neither sufficient or even necessary guides for the mature moral agent. In this case one would be alarmed at the moral education implied by the 'strong' view. On would argue that what is needed is some kind of capacity to go beyond the application of general rules to particular situations. What is needed is an ability to perceive the salience of particular features of situations, which general rules may play some role in doing, but also to make fine distinctions about the relevance of

such features to the case at hand, and to judge how to act in such a way that does justice to what has been taken as relevant. I want to argue in this thesis that such judgements cannot be a matter of merely applying principles or rules. It is a matter of exercising or manifesting what Aristotle called practical wisdom or *phronesis*.

Something along the lines of the strong view outlined above is presented in a sophisticated form by R.M. Hare, particularly in his Moral Thinking (1981). For Hare, much of human moral thinking (ie. intuitive moral thinking) is made up of a reliance on moral habits, which he feels are best characterized as relatively general principles representing our 'prima facie' duties and obligations. Moral education needs to take seriously, he argues, the need to 'inculcate' such rules. That is, children need somehow to 'internalize' these rules through some process of habituation.

I discuss this aspect of Hare's theory in the first chapter of my thesis. I also argue that the moral education which follows from this view represents a grievous kind of miseducation which would lead to a dangerously oversimplified view of everyday 'common sense' moral thinking. On Hare's view, rules should be strongly held, that is buttressed by strong emotional dispositions which induce, for example, a feeling of compunction in the event that a rule is broken. Thus, in some sense these rules become the fabric of moral character (cf., for example, Hare 1981: 38).

The affective component of Hare's rules is significant. Applying the rules is seen to constitute a way of thinking and feeling morally. This implies

that the rules carry a certain force of their own with the agent. However, these rules are somehow selected or justified, and mediated, at a second level of moral thinking. This is the strictly act-utilitarian method of critical thinking. Critical thinking selects general principles on the basis of their 'acceptance utility'. That is, the utility of inculcating the rules in members of the community as well as the utility of generally following these rules determines which rules are most desirably held. The rules must carry enough force with the agent to encourage her to resist the temptation to use act-utilitarian judgement when this is not 'safe' or cannot be carried out in a 'cool hour' in light of adequate knowledge of 'the facts and logic'. In addition, even if our intuitive principles need to be 'overridden' in particular cases by an act-utilitarian critical principle, we can still see the need to continue to hold the intuitive principle we have just overridden. Just because we have had to let it be overridden in one case does not mean that it becomes useless as a means to achieving maximum overall utility (or more specifically for Hare, preference satisfaction). Thus, in order to ensure that 'intuitive thinking' does not simply reduce to (often inevitably incompetent) act-utilitarian judgement, it is necessary for our 'rules' to be strongly held.

One thing that becomes clear from the above outline is that it is necessary for Hare to clarify the sense in which the 'rules' can be seen to be simply 'applied' in particular cases. However, I argue that once we begin to look closely at the kinds of concerns that will need to be represented at the intuitive level (concern for friends and family, open-mindedness in the face of

unusual, novel moral problems such as AIDS, nuclear war, environmental concerns, overpopulation, world hunger, etc.) it is obvious that unless our code of principles is incredibly diverse, and unless our principles themselves are incredibly specific, they will not be able by themselves to decide moral judgements in many cases. In other words, some kind of judgement is needed to supplement or infuse our knowledge of the rules.

Hare does offer his Critical Thinking as the needed supplement, and I discuss this in the second chapter. Critical thinking in Hare's theory is a decision procedure involving a strongly impartial identification with all relevant preferences in a particular case. The agent, when faced with a moral choice, must 'fully represent' to herself all the preferences of those affected by her action. The preferences of the overall greatest intensity decide the choice. Thus, such a choice procedure is equivalent to 'situational act-utilitarian judgement' based on equal evaluation of preference intensity. This procedure determines the 'definitively right' act in any particular case.

Such an egalitarian judgement procedure is, on its own, open to well-known and much rehearsed objections. It does not allow a strong enough role to intuitive values such as that of family loyalty; it also allows too much of a role to 'evil desires' such as those of racists, Nazis, etc. However, Hare claims that his theory can allow such intuitions their proper place in human moral thinking at the intuitive level. While critical thinking does issue in the 'definitively right' act in particular cases, it is a difficult procedure, and we rarely have the time, information and composure to perform it competently. Thus, he claims, one can

- from a critical perspective - endorse a policy of relying on well established intuitions such as family loyalty, etc. in most cases. These intuitions are still 'prima facie' right, but they can be overridden by critical principles in cases where our 'intuitions' or rules conflict or in which we have no adequate intuition, and in which critical thinking can be done competently.

I argue that this representation of critical and intuitive moral thinking does not do justice to our 'intuitions'. Hare's two-level theory undergoes an almost complete collapse into strict act-utilitarianism. In his theory, the rules of the intuitive level which embody our intuitions need to be viewed as no more than useful fictions from the critical level. Thus, when rules conflict, or when novel situations arise in which our rules do not apply, all of our moral 'habits' must fall by the wayside in deference to act-utilitarian critical thinking. If family loyalty is adhered to in a situation which critical thinking retrospectively judges as on the whole wrong, then the 'prima facie' rightness of the rule means little more than 'the best I could do given my human frailty and ignorance'. Thus there is a kind of moral schizophrenia involved in Hare's theory and its two senses of 'right'. And the schizophrenia goes even deeper than this. I argue that when critical thinking is used in its application of selecting or justifying the rules to be used at the intuitive level, Hare does not merely require us to alternate between the moral persona of the intuitive level and the persona of the critical level, he requires us to adopt both personae at once. Moral education following from this theory would need to recognize such schizophrenia as one of its results if not one of its intentions.

In the third chapter I try to outline a view of moral development which makes sense of a more harmonious connection between moral 'habits' or rules and reflective moral judgment. This view avoids the schizophrenia of Hare's two-level view and does not presuppose a strict act-utilitarian standard of right and wrong. I base this discussion on Aristotle's view of moral development. Hare's theory entails that moral habits or rules, or what Aristotle calls 'excellences of character', can be properly and sufficiently characterized as internalized general rules. However, these excellences must be altogether abandoned in favor of a new kind of reflective thinking - a part of what Aristotle would call the excellences of intelligence or practical wisdom - when they conflict or do not extend to novel cases.

But Aristotle's conception of these elements of moral thinking captures important truths about moral excellence that Hare's theory overlooks. Particularly, Aristotle does not see the virtues of character as codifiable. I attempt to show that Aristotle conceives of these virtues as elements which are indispensable to the functioning of practical wisdom. That is, the concerns which we call 'intuitions' are constitutive of our more reflective understanding of the good. Unlike Hare, Aristotle recognizes that we can rarely apply 'rules' in isolation from more reflective thought embodied in practical wisdom. Also, we, do not shed our moral 'habits' or rules, as a snake sheds its skin, when moral conflicts bid us to do some reflective moral thinking. Moral character, for Aristotle, represents essential ingredients in the life of reflective virtue.

I develop this discussion in the fourth chapter to make a further point. The point is this: instances of moral judgment cannot be reduced to moral precept. There is an element of judgement which is irreducable in moral deliberation. Anyone who is subjected to a moral education which ignores or underemphasizes this fact is bound to lead a life which involves, at best, a severely retarded kind of virtue.

On Hare's view, the rules of the intuitive level cannot be constitutive of the critical understanding of the good. One can apply the intuitive rules, or when these are inadequate, one can abandon them and resort to critical act-utilitarian deliberation. On Aristotle's view, our moral 'habits', possibly represented as rules or standards of some kind, remain with us as ingredients of our considered moral judgements.

A discussion of the significance of examples in each view illustrates these differences clearly. Detailed, rich examples may be conceived of as instances or replications of moral judgement. But in principle a view like Hare's cannot accept this conception. Moral judgement at the intuitive level is constituted solely by the application of a rule. Thus, examples must be conceived as examples of a general rule. They might have the additional virtue of inspiring me to do my moral duty, as specified by the rule. Or moral judgement is constituted by act-utilitarian calculation. Here examples merely illustrate the principle of utility. Once again, they may be used in moral education to motivate me to do my act-utilitarian duty. In the former case, 'right' is defined by the rule. In the latter, by the act-utilitarian standard. There is no

room for examples to specify what moral duty requires over and above the general principles they instantiate.

For Aristotle, our intuitive concerns are vague outlines of moral features which need fleshing out by reflective judgement. But the 'fleshing out' does not necessarily make the original concerns irrelevant by any means. Examples are often indispensable in helping to determine what is really morally required by our moral standards, rules, principles,etc. These are not merely motivational tools designed to encourage conformity to an independent ideal. They are instances or replications of discernment of an ideal. They are ways of showing how to make excellent moral judgements, but one cannot always fully express their moral significance in words.

A moral education which ignores this important feature of moral thinking is liable to lead us into a life of moral naivete. If moral education emphasizes the importance of applying rules, and its treatment of examples emphasizes them as instances of such rules, then one is saddled with oversimplified moral devices but no effective method of determining what constitutes their best use. Alternatively, if moral education emphasizes the importance of act-utilitarian judgement, then even the rather inflexible and coarse fabric of character constituted by our general rules is torn away. There is no room for a moral agent of integrity in such an ideal. Moral education needs to encourage firm adherence to certain standards, as well as a capacity to discern clearly appropriate ways of adhering to those standards in particular situations. But these two kinds of virtue can not be artificially divorced from

each other or the contexts in which they are applied. Examples of and experience in excellent moral judgement are important ways of developing and directing virtue, which in any case is usually a rather frail human achievement.

1. INTUITIVE THINKING AND MORAL JUDGEMENT

There is still influential in philosophy generally, and in philosophy of education particularly, a view of moral agency which assigns considerable weight to 'relatively simple, general principles' or rules in the 'everyday' moral judgements of competent moral agents. Joel Kupperman has defended a view of moral education which would give a central role to the inculcation of strong 'inhibitions' against breaking such rules (eg. 'Don't lie', 'Don't steal') (1978). The implanting of such habitual rules and strong affective accompaniments entails their ongoing significance in moral judgements and thus it is assumed that even mature moral agents will rely on them to a considerable degree. In Moral Thinking, R.M. Hare has advocated a similar, though much more sophisticated, view of what might be called the 'strong thesis' of the role of simple rules or principles. His view has implications similar to those of Kupperman's for moral education.

R.M. Hare's strong view of moral rules

The rules which Hare says we rely on in much of our everyday moral thinking have their place in the lower or 'intuitive' level of his two level theory of moral thinking. I want to try to clarify the nature of Hare's idea of intuitive thinking, particularly of the role of simple rules or 'relatively simple, general principles' in this kind of thinking, and to argue that its strong reliance on such

rules simplifies the facts of our everyday 'common sense' moral thinking to an intolerable degree. Since moral education on Hare's view would have as one of its central tasks the inculcation of such rules, this would constitute an objectionable moral mis-education. Such education would induce a naive simplification of everyday 'common sense' intuitive moral thinking.

In the latest development of his universal-prescriptivist theory, Hare has claimed that he provides a 'two-level' structure and determinate method of moral thinking which is tantamount to what a "wise act-utilitarian" (1981: 38) would use. Hare's theory is allegedly impervious to 'vulgar objections' often made against act- utilitarianism because it allows a central place to our strongest moral feelings or intuitions which are in accordance for the most part with 'received opinion'. It claims, in other words, to provide a utilitarian foundation for 'common-sense' morality. The upper, act-utilitarian level of this structure, which Hare calls 'critical thinking', has as one of its tasks the impartial determination of the 'right' act in particular situations. This method bypasses altogether the substantive moral intuitions which inform intuitive moral thinking, and proceeds "in accordance with canons established by philosophical logic and [is] thus based on linguistic intuitions only" (1981: 40). The foundations of evaluation or judgement at this level are the properties of prescriptivity and universalizability.

Critical thinking also has an important role which connects it with our everyday 'intuitive' thinking. This is the pre-educative role of selecting or justifying a set of 'prima facie principles' which we shall be wise then to

'internalize' and apply in our 'everyday' moral thinking. In other words, the critical moral educator or policy maker has to design a code of rules which will provide the blueprint for childrens' moral education. This is so because the intuitive thinking which we normally employ in our everyday lives will be a matter of applying these principles, or 'relatively simple, general' moral rules. Although Hare nowhere claims that we as human critical thinkers can devise a set of rules as competently as an Archangel would, he does provide a method for selecting such principles which he feels is desirable and would yield some approximation of the archangelic ideal.

The human critical thinking process selects principles for use at the intuitive level, "on the score of their acceptance-utility, ie. on the ground that they are the set of principles whose general acceptance in the society in question will do the best, all told, for the interests of the people in the society considered impartially" (1981:156). Since humans will not be able to apply the method as efficiently as as archangels will, our principles are always open to revision and the possibility that new principles will need to replace deficient ones always exists. But humans, using the critical method, and with the aid of the wisdom of our ancestors' critical thinking, will be able to work out something tolerably close to the archangelic ideal. What principles we shall desirably hold is decided at the level of critical thinking, while intuitive thinking is based on the idea of our accepting them in a very strong (ie. uncritical) way. Our intuitive principles can be 'overridden' by more specific act-utilitarian, 'definitively' right principles when we have the time and ability to formulate them, but this does not

mean that intuitive principles are not also 'right' in one sense, ie. for the purpose which they are intended to serve. They are 'prima facie' or 'intuitively' right insofar as the critical thinking which selected them for use has been competently done. At the intuitive level, an action following from a general principle may be right even if it is not considered right by the standards used within the critical level as applied to particular situations. Thus, moral education viewed from the critical level advocates an understanding of 'everyday' moral agency or moral character which ignores to some degree the goals and judgments, in particular situations, of critical thinking itself. Moral education then, Hare seems to say, will involve learning to ignore the methods and requirements of critical moral thinking in situations where that is fitting. Of course, moral education will also be concerned with making us competent critical thinkers so that we can employ such thinking when that is fitting. Thus, we will become educated to perform somewhat like well trained backgammon (1981: 37) or tennis players. Tennis players react intuitively to the demands of the game as it progresses. This does not prevent them from analyzing their shots and movements more 'critically' while watching them leisurely on video tape. Both kinds of thinking have their place for both the moral thinker and tennis player, but clearly any attempt to use one level of thinking in improper situations will yield disastrous results.

But what are 'proper' or 'fitting' situations for each kind of thinking? What is the nature of and rationale for intuitive thinking? Why is it sometimes, or often, necessary? Hare gives several reasons, all of which are relevant to

moral education. First, humans often have to make moral judgements in the face of stress, lack of information, uncertainty, etc. Thus, our attempts to collect all of the facts, analyze them and conduct the critical reasoning necessary to determine the morally right action, are often going to be severely hampered. Thus, it is in such cases more likely that we will do the morally right thing if we can rely on some general rule of conduct. Related to this point, the rules, if they are to be learned in such a way that we can apply them efficiently, must have a "certain degree of simplicity" (1981: 35). Also, since no two situations are ever going to be exactly alike, intuitive principles, which are going to be practical guides, will have to be general (ie. unspecific) enough to "cover a variety of situations all of which have salient features in common" (1981: 36). The point here is that principles are supposed to (when they become well entrenched habits) prepare us to meet situations which, although they may be different from others we have faced in certain features, still resemble situations we are familiar with "in their important features" (1981: 36) (ie. the features, such as promise-keeping, or avoiding causing suffering to others mentioned in the principle). Finally, we should rely on relatively general principles in "much of our moral conduct" because otherwise we are likely, in the face of situations which are not minutely similar, to fall prey to human weaknesses such as partiality to friends, family and self. We are apt to 'cook' our principles to suit our own interests (1981: 38). It is easy to convince oneself that a lie is justified 'in this case' because the benefit I can gain for myself or a friend is simply too great to resist.

Therefore, at least two reasons for usually relying on intuitive principles (or refraining from doing critical thinking) become clear. First, because situations often require us to act quickly and without much time to analyze particular exigencies, it would be folly even to attempt a detailed situational analysis. If we attempt this, we will likely come up with the wrong prescription, just as we often do when we rush other complex jobs with no practical simplifying guides to help us. Second, because of such human weaknesses as partiality to self, etc., critical thinking is not to be attempted except when one is removed enough from the actual situation so as not to be tempted to 'cook' one's principles in this way. This also means that we must be able to evaluate the situation in light of logic and sufficient facts. If you are the kind person who is likely to 'cook' in this way even in a cool hour, then you should have a principle discouraging you from doing critical thinking even when removed from particular situations. Thus, Hare claims, like the good chess, tennis or backgammon player, the good person (or the good intuitive thinker) will normally rely on the best set of "rules of good play" (1981: 38), or general principles. This set will be the one "which we have to follow if we are to give ourselves the best chance of acting rightly [even though the principles making up this set] are not definitive of 'the right act' " on an act-utilitarian analysis (1981: 38).

It is worth noting at this point that it is an open question as to what form these rules should take. The rules could be conceived of as very strong or 'absolute' rules which are rarely or never to be broken. Or they could be rather

weak rules, dispensed with whenever strong counter-vailing reasons dictate. Hare's actual position may be somewhere in between these positions. He recognizes the need for rules to be 'overridable' when, for example, our principles conflict and critical thinking can be competently done. However, this means that we must be quite certain that there are countervailing reasons against a certain principle. Critical thinking is appropriate for a 'cool hour' and therefore situational analysis seems to be rarely appropriate and the rules should be adhered to. Even if critical thinking is done, the rules should be adhered to at the intuitive level. But the main point is that Hare's conception of rules, like the even stronger or 'absolutist' view outlined, must rely on a notion of rules which are somehow applied unreflectively, without the aid of moral judgement. This is suggested strongly in Moral Thinking, where Hare feels it is extremely important for moral education to facilitate the "formation ... of relatively simple reaction-patterns (whose expression in words, if they had one, would be relatively simple prescriptive principles) which prepare us to meet new contingencies resembling in their important features contingencies in which we have found ourselves in the past" (1981: 36). It is desirable that these "intuitions or dispositions [be] firmly built into our characters and motivations" (1981: 38). In other words we should break or depart from these rules only with feelings of extreme discomfort, or what Hare calls 'compunction' (1918: 2.2). Only in exceptional cases should we attempt 'archangelic' critical thinking, and then only in cases in which we have sufficient time and ability to do it. Our moral

character then is largely constituted by the principles we hold and our diligence in adhering to them.

Hare has recently made the claim that "' moral decision-making by humans in the face of real-life risk and uncertainty' ...should normally be done at the intuitive level" (Hare 1988b: 241). He here also suggests that his archangel - the representative of his critical thinking - is not relevant for studying this kind of 'real-life' moral thinking, but only as a "device for studying critical thinking" (1988b: 241). He is not always altogether clear on how much and when we will use the different kinds of thinking, and 'normally' is still a pretty vague word. But this seems to be the clearest statement of his general position that he is willing to give us. In any case, I will be arguing that in any sense in which we might use the word 'normally', Hare's account of intuitive thinking is far too simplistic to allow for the facts of human intuitive moral thinking.

However, Hare might respond to the suggestion that his rules are to be applied 'unreflectively' by marshalling arguments in favor of a larger role for critical thinking in our 'everyday' moral judgments. This is the only alternative he offers in his 'two-level' moral theory. He does sometimes seem to lean in this direction. For example he says that " It does not follow, from the fact that ordinary people do not use their (moral) words in the way (that is with the logical properties) that the theory claims [ie. at the critical level], that the theory has to be abandoned as a *proposal* about how the words should be used" (1981: 81, emphasis added). The suspicion that Hare wants to assign a stronger role to critical thinking than his discussion of intuitive thinking would indicate (and

perhaps will allow, as we will see), is reinforced in some of his other writings. Hare claims that critical thinking is "the completion of the moral thought begun at the intuitive level" and critical thinking and intuitive thinking "can be 'quite continuous with one another' (1988c: 261). To mention just one more case, Hare responds to some of Julia Annas's criticisms of his theory (and this brings out the importance to moral education of his claims about the roles and place and use of the two levels), by saying that: "moral development is a development toward critical thinking" (1982: 316). So perhaps critical thinking has a larger role to play than Hare sometimes indicates. However, if a larger role must be given to critical thinking in his account, then his theory is faced with some common and crippling difficulties faced by any thoroughgoing act-utilitarian theory. But this discussion must be postponed until the next chapter. For now I want to focus on what I see as the inadequacy and naivete of Hare's intuitive level.

We are presently concerned with the inherent difficulties of intuitive thinking as Hare describes it. So let us begin with what seems to be Hare's clearest statement of the role of intuitive thinking, namely the thought that we should "normally" adhere to simple, general principles in a habitual way and cultivate in ourselves and our children strong feelings and dispositions to follow such principles. From here we can examine and evaluate the emergent picture of intuitive thinking.

J.O. Urmson provides us with an obvious but helpful way of focussing our examination of intuitive thinking. He says: "The intuitive level of moral

thinking is all moral thinking which does not conform, or attempt to conform, to the canons of the critical level" (1988a: 162). Intuitive thinking is composed of general principles, our 'relatively simple reaction patterns', and the 'firm feelings' that go with them. The simplicity and generality of the rules is important for the psychological reason that it would be extremely difficult for children to learn more complex principles in such a way that they could be applied very competently. Also, by remaining fairly general, such principles will allow children to learn to pick out the morally relevant features of a 'variety of situations all of which have certain salient features in common' (Hare 1981: 35-6). On this view the principles one applies in fact pick out what is likely to be most morally relevant in a situation. The result of all of this is that, "[h]aving the principles, in the usual sense of the word, is having the disposition to experience the feelings [ie. compunction, etc.], though it is not...incompatible with submitting the principles to critical thought when that is appropriate and safe" (Hare 1981: 39). When this is not appropriate or safe, Hare indicates that we should follow the principle. In fact we should often find ourselves continuing to hold the principle in question even after we have determined that the action it prescribed in a particular situation is not the morally best one.

Hare chooses to examine the intuitive level of moral thinking by looking at "situations in which we seem to have conflicting duties" (1981: 26), "conflicts between intuitions", or "conflicting [prima facie] principles" (1981: 32). Urmson describes very well the picture we are faced with in such situations if our thinking is done in Hare's terms: "[W]e are powerless to resolve conflicts

between principles in a rational manner unless we resort to thinking at the critical level; otherwise we must resort to such irrational procedures as 'weighing' the principles. Further we cannot at the intuitive level rationally examine the principles that we at first uncritically accept, or rationally replace those found to be unacceptable" (1988a: 162). The objection here is that Hare's method of moral thinking, which defines a complete separation of levels of thinking requires us to be unduly constrained in our everyday moral thinking unless we resort to a method of archangelic thinking which is very difficult for humans to exercise competently.

Moral principles and moral judgement

I want now to argue that this way of conceiving of moral reasoning represents a gross oversimplification of the moral life. Hare requires us to think in one of two ways. We can apply rules of a certain degree of simplicity and generality. If this is inadequate then we must call in act-utilitarian judgement. But there seems to be a way of moral thinking which allows us to evaluate and judge the relevance and salience of moral principles in 'everyday' moral life without requiring us to become unrestrained act-utilitarians. This is the theme that I will now explore.

It might be thought that Urmson is a bit unfair to Hare here. Indeed, Hare complains that Urmson is extremely unfair. Hare claims that he in fact does accept a <u>rational</u> ("right") procedure of weighing principles (1988d: 274).

But act-utilitarian evaluation is the only resource which Hare's two level theory provides for weighing intuitive principles against each other.[1] As Hare says in another context, our "'human' critical thinking is "archangelic in *form*, only subject to our human limitations" (1988e: 290 my italics). Hare does not seem to allow any element of 'intuitive' judgement in his theory. So the gap between the two extremes of situational preference act-utilitarian judgement and blind arbitrary judgment, seems to be filled only by Hare's notion of uncritical acceptance of strongly held principles. Within intuitive thinking there is nothing we can do to extricate ourselves from moral dilemmas. It is this which 'grossly oversimplifies' intuitive moral thinking and we need now to examine how and why this is so.

Urmson argues that any theory of moral thinking, and Hare's in particular, which relies on a "simple model of conflict between principles, already given and of relatively slight complexity...[is] unwise in the extreme" (1988a: 165). His reason for saying this seems to be based on the fact that if we are to rely on such principles as anything more than mere rules of thumb, we are likely to ignore a whole realm of morally significant considerations which we are faced with even in very common everyday moral situations. This may be because principles - at least in Hare's sense of intuitive principles - need to be fairly rigid. We need to be disinclined to consider alternatives to these principles when they present themselves: otherwise they lack the emotional significance they are supposed to have for us. Situations will often present themselves as conflicts of principle and our only recourse will be to critical

thinking. Also, we may simply be faced with novel moral problems (Urmson offers AIDS and surrogate motherhood as examples) for which we have nothing resembling one of Hare's 'rules'. Reflection upon such considerations without treating them as strong rules allows us to act much more flexibly in the moral realm without striving vainly to be archangels or resorting to arbitrary choices.

One particular kind of illustration of this point- used by both Hare and Urmson - is a case in which I have made a promise to spend the afternoon with my family when a good, longtime friend shows up unexpectedly, just for that day, and wishes to be shown around town. Urmson points out that any view which requires us to see such examples as conflicts of principles forces us to be hamstrung in our thinking at the intuitive level by exceedingly simple, everyday cases. Indeed, it is not altogether obvious what principles are in conflict here. "Don't break your promises" is a fairly straightforward one, but unless we are prepared to count such things as 'show one's friends around' or even Hare's version which tells us "not to betray [our] friends" (1988d: 275) as principles in the strong sense outlined, then it is difficult to see what other principles are in conflict with the former one. Urmson points out that treating the two kinds of statements as principles in a strong sense encourages us to ignore the fact that there are all kinds of courses of action one might take in order to avoid the extremes of simple arbitrary choice (ie. just letting one 'principle' override another) or impartial utilitarian analysis. The concerns represented here do not seem to be best characterized as 'rules'. We might have an intuitive principle to the effect that 'When two rather simple rules conflict, seek out a

principle in which the concerns represented by the two principles can both be satisfied'. But of course such a principle is a rough guide which requires considerable judgement for its application. But the kinds of principles offered here do not seem like rules at all. It is unlikely that many would adhere to a rule like 'Show friends around'. On the other hand, most people would probably claim to have a principle (or something like one) of not betraying friends. But here we are back to a principle for which judgement is needed for its application. The kind of judgment or weighing of moral alternatives in such cases is not like Hare's critical thinking since as Urmson claims "there are many relevant considerations, none of them decisive.... All these considerations have to be taken into account, and the general welfare may be one, but only one, of them" (1988a: 165).

If we consider a principle such as "Prevent the suffering of loved ones when possible" we can see how much judgement is required for the application of such a principle. If my grandmother is dying, and in pain, this principle may conflict with others, such as letting others live their own lives as they see fit. Perhaps my grandmother has told me she wants to die. But how sincere was this request? Did it come in a moment of agony which - when it had passed - would have caused her to reconsider? How close is she to death? Are there no other ways of making her life more bearable? How will the actions I take affect others who love my grandmother? What are the likely consequences for me of the various actions I could take? All of these considerations need to be 'weighed' in some way and it seems unlikely that the act-utilitarian standard is

necessarily the decisive one. Perhaps other moral issues such as AIDS, abortion, aid to the third world etc. are even more complex. But there do not seem to be many ready-made general rules adequate to usurp the task of judgement here. Even if I could come up with a principle from the case of my suffering grandmother, I may have another grandmother who at some future time will be suffering greatly. She will have a different set of concerns, a different conception of her life and herself, etc. This would require me to apply quite a different moral principle. The point is that often moral considerations are rooted quite firmly in particular situations. Principles general enough to be relevant to a range of cases are likely to require much judgement for their application. As Urmson says, "the problem [may be to discern] ...what among a whole range of undefined possibilities will best satisfy a whole range of equally undefined circumstances" (1988a: 165). I am extremely doubtful that Hare's conception of intuitive thinking can account for this complexity.

I want now to show more directly why Hare's view is over-simple. I have already suggested that not all principles need to have the characteristics of Hare's 'prima facie' principles or simple rules. Urmson's objection to Hare's model makes use of a conception of the use of the word 'principle'. He seems to follow certain characteristics of Hare's 'prima facie principles' in outlining his own use of the word 'principle'. They are relatively simple and general. They are "rules of conduct which we set out for ourselves or accept from others to be followed (ordinarily) *blindly* . By blindly I mean being unwilling to consider arguments to the contrary" (1988a: 164). They are thus, within the boundaries

of their application, uncritically held. For example, I might have a principle of etiquette of not arriving at my host's home before the appointed hour. If, however, I have some urgent news for him, or if I am in danger and my host's house is very near, then I will break the rule. This, as Hare indicates, is quite similar to his own treatment of prima facie principles (1988d: 275).

Principles in this sense are quite clearly *not* what Urmson calls 'adages', which may as well be called 'rules of thumb'. These are propositions - such as "avoid causing inconvenience to (or be kind to) one's friends' or the principle against letting loved ones suffer- that may be held as rough guides for one's actions in that they mark out potential reasons for considering something morally relevant in particular situations, in competition with other morally relevant considerations. I will refer to these, for the most part, as rules of thumb, since Hare himself, in Moral Thinking contrasts his rules with 'rules of thumb'. Whichever term is preferred however, what I call 'rules of thumb' cannot be considered "a sufficient reason [against the performance of certain actions] in all circumstances" (Urmson 1988a:165). This is because there may be many other reasons - some of them expressed in competing 'rules of thumb' - for taking alternative actions. The particular case will tell much about which principle counts as the most relevant, for what reasons, and what counts as its fulfilment.

A weaker view of moral rules outlined

How can we distinguish 'rules of thumb' from stronger rules? The latter are habitual, conditioned responses. One is clearly inhibited from breaking them at least when there are no countervailing reasons for doing so and often when there are such reasons. The former, on the other hand, require moral judgement for their application in particular cases. Urmson says this is a matter of judging or 'weighing' morally relevant considerations "without a decision procedure or other formulable method" (1988a: 166) so it is not like Hare's archangelic critical thinking. The idea here is that in evaluating the factual and moral evidence that confronts us we sometimes need to use judgement in a way that is not determinate. Thus, juries need to judge the evidence they have heard, the ship's captain needs to judge the evidence before him to decide what course of action is appropriate, etc. Even at the critical level, insofar as it might apply to human thinking, Urmson points out that judgement is needed in order to decide what course of action will best fulfil the preferences of another once we have evaluated and represented to ourselves her preferences. Even in evaluating her preferences, judgement will be needed in order to decide how strongly and sincerely they are held. Such judgement need not be governed by any canons or foundations.

The question we now need to raise is whether Hare can account for the kind of experiences described by what Urmson calls 'judgement' at the intuitive level. Hare responds to Urmson's objections by saying that his use of

the word 'principle' accounts for the complexities in moral decision making which Urmson's objections point out (1988d: 275). So we must look closely at how Hare claims he uses the word 'principle'. But notice that however that word is used, if something beyond the principle is needed to make good moral judgements, Hare can only invoke his critical thinking.

Hare's response to Urmson is quite nuanced, and is very revealing. He says first of all that Urmson's sense of principles outlined above is "very like my own treatment of prima facie principles". However these principles are only a "particular class of principles". Hare in fact claims to use a 'wider" sense of principle which includes Urmson's adages like "be nice to my friends" under certain "loosely specified" conditions(1988d: 275-6). Hare does not mention the possibility of these other kinds of principles within intuitive thinking in Moral Thinking so this is a new suggestion. Nonetheless it is worth examining more closely.

The kind of principle alluded to above allows Hare to act counter to his principle against betraying friends if a friend starts passing nuclear secrets to the Russians. But this sounds like a rule of thumb, not his stronger kind of rule. If his claim is to be taken at face value, then Hare must admit that considerable moral judgement needs to be employed in the application of such principles. The reasons for this must be examined a bit more. Certain statements of principle such as 'don't lie' or 'keep your promises' are seemingly quite straightforward in their application. As Charles Larmore points out, if I make a promise to return your book to you today, the only moral consideration here is

simply returning the book some time today. Considerations of judgement with principles such as 'keep your promises' and 'Don't lie' involve only non-moral features of the situations such as when today to return the book (1987: 5). It is worth noting that even here it is evident that actual cases are rarely so simple. I could fulfil the promise by ringing your doorbell at 11:59 p.m. when I know you will be asleep and have to wake up early the next morning. Such alternatives are ones that a virtuous person would rule out in her judgements. So even cases involving straightforward principles like this are apt to engage our moral judgement in this minimal way. However principles of courage and friendship involve a multitude of morally different alternatives for their application. In what way should I honor this principle? What counts as fulfilling the principle in a particular case? With what intensity should I pursue this alternative? In cases where more than one of these principles must be considered the considerations multiply and the judging process becomes that much more complex.

Hare's response is to suggest that experience, either one's own or someone else's, in this kind of judgement can illuminate some latent 'method' of moral judgement? Hare draws an analogy in order to show this. In response to an example of Urmson's, Hare suggests that although jurors need to use their judgement in evaluating the truthfulness of witnesses' testimony, experienced ones can do so within the framework of a 'method'. This kind of thinking "can be rational because there is a way of determining, perhaps later, whether a witness *was* telling the truth. So we can build up an idea of whether the

intuitive thinking we were doing was methodologically sound.... What makes moral intuitions, when unsupported by critical thinking, irrational is that there is no such method"(1988d: 277). Therefore Hare seems to think that, just as critical moral thinking can establish a methodology based on a code of moral rules, and itself provides a methodology of resolving the rare disputes at the latter level, 'factual' critical thinking can establish a methodology for factual intuitive thinking. Additionally, this kind of critical thinking can itself resolve (rare) disputes at the level of intuitive factual thinking. But both examples are unconvincing. Whatever rules might be formulated for assessing the veracity of testimony are quite obviously going to be rules of thumb. 'Ignore hyberbolic testimony' is an excellent rule. But clearly it should be completely ignored in some circumstances. I have heard of a judge who immediately dismissed a child's testimony at a sexual assault trial when the child answered the question "How often were you molested?" by saying "Millions of times".[3] To avoid such obtuse judgements, one might say that the rule itself should be made more flexible. To do this one could suggest a rule such as 'Treat hyperbolic testimony with care' or 'Ignore hyperbolic testimony (under 'loosely specified' conditions)'. But armed merely with rules such as these, we will often be defenseless. In either case, only judgement will provide the heavy artillery. Similarly, in the moral case, the more the rules of the intuitive level are represented as 'loosely specified', the less they can be rules which are simply applied by some kind of 'reaction pattern'. Being nice, even to friends, is often not what is morally

required of us. But obviously there is no methodology available for determining when it is and when it is not.

In Hare's attempt to rebut Urmson's charge of over-simplifying moral judgement, the crucial move is to adopt a 'wider' sense of the word principles than the one he outlines in Moral Thinking. In addition to comprising a wider class of principles than Urmson thinks, he points out that his intuitive principles may allow of significant complexity. He says for example: "[An act] may be contrary in one respect but conformable in another, to a single sound principle" (1988d: 278). But surely any code of principles of the type 'Do A (under 'loosely specified' conditions)' will need the elaboration of some way or method (though not necessarily 'determinate' or rule-based) of judging or adjudicating between the principles within the code. My argument in this chapter has been that Hare, given the resources available to him in his 'two-level' theory, has two lines open to him in dealing with this difficulty. First, he could simply root out altogether, judgement at the intuitive level. This would require some explanation by Hare of how everyday intuitive thinking would be a matter of *applying* a set of internalized, habitual rules or principles in such a way that no judgement was required. Given the nature of the 'relatively simple, general principles' that constitute one's 'moral ammunition' at the intuitive level, this move would make his conception of intuitive thinking quite implausible. It becomes implausible because most, if not all, of our principles at this level require some conception of judgement if their application is not to be arbitrary. We need some way of determining what counts as a good or bad application of

such principles. Judgement between principles, on the other hand cannot proceed by appeal to more complex, determinate rules that reside at the intuitive level. Hare's requirements of simplicity and generality that govern the principles of intuitive level make this clear. Any principle of friendship or taking care of loved ones which could be applied in cases such as the one described above would need to be so long, filled with qualifications and details that it would likely be impossible to make 'habit'. The absurdity of this line of reasoning is magnified when we realize that such principles would have a very limited range of application and thus our code would need to include a vast array of such principles. In addition, the likelihood of conflicts between principles would increase dramatically.

If the above discussion is on target then principles involved in intuitive thinking can not simply constitute 'virtuous character' since, in addition to the principle itself, judgement will always be required in the application of the principles involved and judgement can be done well or poorly. It is also far from clear that principles are even "the best way of *characterizing* " virtuous character as Hare claims (1988d: 279). This can be seen by exploring Urmson's use of the word 'adage' to describe the bulk of what Hare calls our moral principles at the intuitive level. Hare makes considerable fuss over the fact that an adage is a 'saying' or proverb. He considers the use of the term as a misleading way of saying the same thing he means to say by the word 'principle'. But Urmson's use of 'adage' here is revealing and significant. We normally treat adages or rules of thumb as summaries of important truths. Thus "Too many cooks spoil

the broth" and "Many hands make light work" (Hare's examples) reflect insights which we recognize from diverse contexts in our actual lives. It would be extremely unnatural to suppose however, that we rely on such insights in any strong way to guide our evaluations of particular situations. Artists do not paint in large groups on the grounds that 'Many hands make light work'. We may, in certain situations, use such adages as simplifying devices to represent features of particular situations but we would normally attend much more closely to the particular features of particular situations before deciding which adage was applicable. Even once we have done this, we think of this characterization of the situation as only a sort of summary of a more complex and elusive situation which underlies it. Much of moral importance is left out. Similarly we cannot, as Hare seems to want to do, superimpose principles and accompanying dispositions to obey them upon the virtues and declare the two identical (1988d: 280). If we do, we find that virtues such as courage, humility, consideration, etc., even if they are considered principles, involve considerable judgement related to the consideration of virtue in their application. We will find that considerations of what acts actually count as courageous and with intensity and vigor they might be pursued require judgement of considerable delicacy and skill. Such considerations can not necessarily be characterized, as Hare claims, as simply "obedience to a principle or disobedience" (1988d: 168) since much more needs to be said about the adeptness or ineptitude of the application of the principles. Hare's view seems to make general principles into

the tail (and a rather small one at that) wagging the rather large dog of judgement.[4]

Hare's remaining option is to bring in critical thinking as mediator for our intuitive principles or 'adages'. This requires a thorough assessment of Hare's concept of critical thinking which I will now try to provide.

2. CRITICAL MORAL THINKING AND ACT-UTILITARIANISM

I now want to look more closely at one obvious way Hare might respond to the criticisms of the previous chapter. My central criticism was that Hare's conception of intuitive moral thinking, as constituted by general rules of behavior, was much too simple. The rules often require judgement for their application. Judgement is also required because our repertoire of general principles is too limited in scope to deal with certain situations. The most natural reply for Hare to make here is that his particular conception of critical thinking is the best candidate for such judgement.

I want to argue in this chapter that any such move makes his theory extremely vulnerable to common and compelling objections to classical act-utilitarian theories. Hare's position in Moral Thinking and a preceding article (Hare 1976) is that his theory is insulated from such objections by his distinction between the levels. For example, situational analysis based on preference maximization might force the moral agent to give much weight to 'evil' desires and to ignore what she normally considers special duties to loved ones, etc. However, Hare says, one is rarely going to need to adopt this perspective. Indeed, Hare sometimes proceeds as if critical thinking will never need to be directly applied to actual cases. This is because we usually have perfectly adequate 'intuitions' or dispositions in the form of simple rules. They will not always prescribe the act-utilitarian action in a particular case, but they have the greatest 'acceptance utility' as prescribed from the critical level. Therefore, we

should usually rely on these in making our moral judgements. This is better than performing critical thinking without constraint, since we rarely have the time, information, fellow-feeling, etc. to do such thinking competently.

But Hare's distinction between two-levels of moral thinking does very little to answer the objections of anti- (act) utilitarians. If my arguments in the previous chapter are correct intuitive rules do very little work on their own in moral thinking; thus the ascent to the critical level will need to be made much more often than Hare admits if we are to try to find a satisfactory answer to our moral problems. Therefore, he will have to grant that critical thinking is needed more often in human moral thinking than he sometimes claims. We might then expect all of the problems and human weaknesses which make critical thinking so 'dangerous' to become extremely problematic for Hare when he finds that he cannot confine our use of it to the occasional cool hour of leisurely reason.

Hare on critical moral thinking

I want first of all to try to clarify Hare's version of act-utilitarian critical thinking. Then I will look at some criticisms commonly put forward by anti-utilitarians. This will allow us to see also how Hare thinks his theory can deal with these objections. Finally I will try to show how a full explanation of Hare's conception of critical thinking in fact leaves him quite open to these kinds of objections.

What actually does the label 'critical thinking' refer to? In terms of the rule/act utilitarian distinction this might mean something like: "How is critical thinking related to or constitutive of act-utilitarian judgement and analysis and how is it related to or constitutive of rule-utilitarian analysis and judgement? What advantages of the two forms of utilitarianism, if any, does the distinction between intuitive and critical thinking secure?

Before we attempt to answer these questions directly it will be useful to point out that in some way, the levels of moral thinking that Hare describes are based on a theory of the meaning of the words we typically use in moral discourse. Roughly, the levels at which we conduct our substantive moral thinking are established by an inquiry in the area of philosophical logic. Our thinking at these levels, and the effectiveness of this thinking, is based on our understanding of the 'moral concepts'. These meanings are established at a third level of thinking called the meta - ethical. It is at this level that the canons of prescriptivity, universalizability and overridingness are established, and shown - according to Hare - to provide us with at least the most important meaning of evaluative words, such as 'ought', which we characteristically use in our moral judgements. While I do not intend to discuss the truth or falsity of Hare's meta-ethical views here, it is extremely important to any understanding of critical thinking and its role in Hare's theory that we attempt to get clear what he means to establish in his meta-ethical inquiry.

For Hare, moral judgements at both the critical and intuitive levels are universal prescriptions (1981: 41). The difference between the two is described

as a difference in the specificity of the two kinds of principles. Intuitive principles, as we have seen, must be of limited specificity; they must be fairly general. This is required due to the purposes served by intuitive principles (eg. they must be used for moral education, they must allow us to deal with situations similar in their general moral features, etc.). Critical principles, while remaining universal, can be of unlimited specificity. Indeed, Hare says, for their purpose, critical principles "*have* to be, highly specific" (1981: 41, emphasis added). The differences between principles at the two levels do not stop here of course. One way to see a further distinction is to ask what the purposes of critical principles are that require them to be 'highly specific'. Let us return to one of these purposes discussed already-- the resolution of moral conflicts. As Hare says, when we are thinking about conflicts between principles at the critical level, "there is a requirement that we resolve the conflict" (1981: 26). There is no such requirement at the intuitive level. Thus, the way we resolve a conflict between our principles (eg. a case in which a promise conflicts with another commitment, say, to a friend), is by doing some hard critical thinking and tailoring our principle to take account of all the relevant, particular features of this situation and which leads to maximum satisfaction of preferences. This is the same judgement a "careful act-utilitarian would make" (1981: 43).

There is a further feature of the logic of the moral concepts which differentiates the two levels of principles. This is the property of overridingness. Hare clearly believes that we often continue to *hold* our prima facie intuitive principles even if we find ourselves constrained to do the critical thinking

leading us to a more specific principle which resolves our moral conflict. This leaves us with two prescriptions, which may conflict. But surely we are to act on the critical principle in this case (assuming we are confident about the competence of our critical thinking). The reason for this is that critical principles are taken as overriding. That is, we may make exceptions to intuitive principles. Hare says that this property in fact distinguishes moral evaluative judgements from other evaluative judgements like aesthetic ones (1981: 52).

Critical moral principles on this account are prescriptive and universal (ie. They contain no individual constants and are governed by a universal quantifier). In addition they are overriding. If they are sincerely held and the individual is able to act upon them and there is no external impediment to acting upon them, they must be acted upon if they are to count as the agent's bona fide moral principles. Hare says that intuitive principles are also prescriptive and universal. But they can be overridden. Hare says this, "does not mean they are not prescriptive; if applied, they would require a certain action, but we just do not apply them in a certain case" (1981:59). So intuitive principles are universal prescriptions, but they are not overriding. We will desire to act upon them so long as they are considered morally relevant. Thus we can always be inclined to uphold them even in cases where they are overruled by competing critical prescriptions. In such cases, if the intuitive principle conflicts with the critical principle, the former will be regarded as morally irrelevant in that case (which is not the same as simply discarding them at the intuitive level. We can still have

the intuitive desire to uphold them). However, in such cases intuitive thinking clearly must give way to critical thinking.

Hare distinguishes two kinds, or two uses, of critical thinking. Recall that he needed the intuitive level of thinking to take account of what seemed to be certain facts about our everyday moral thinking. Our intuitive principles must be selected or tested, or somehow based on, critical thinking. Thus, critical thinking issues in two kinds of moral principles. First of all, the highly specific, universal, prescriptive and overriding critical principles. Secondly, more general universally prescriptive (non-overriding) intuitive principles. The latter are to be justified by being principles "whose general acceptance would lead to people's actions and dispositions approximating to the greatest extent to the deliverances of a perfectly conducted critical thinking" (1981: 61). They have high 'acceptance-utility'. These two procedures are the two uses or kinds of critical thinking.

Frankena calls the former kind of critical thinking CMT (Critical Moral Thinking) 1, and the latter kind CMT2 (1988a). I think more descriptive titles are helpful so I will call the former kind 'direct critical thinking' and the latter kind 'indirect critical thinking'. I will discuss direct critical thinking first. Therefore our question is: "How is critical thinking related to or constitutive of act-utilitarian judgement?" It is fairly obvious that on Hare's view, direct critical thinking is act-utilitarian in nature. How is this so?

As Frankena says, direct critical thinking "consists in using the universal prescriptivist/act-utilitarian method directly to determine what to do in

a particular case" (1988a: 47). But what does it mean to call the universal prescriptivist method act-utilitarian? Hare holds that moral judgments, in order to be rational, must be "cognizant of the facts" (1981: 88). "It is the function of moral principles to provide universal guidance for actions in all situations of a certain *kind* .... All this would come to nothing if our moral judgments were unrelated to the facts about the situations on which we were commenting. Nobody would know what our moral principles might be, because our judgements could apparently be made regardless of what the actions and situations were like" (1981: 88). In other words, cognizance of the facts of situations allows us to call certain judgements better or worse in connection with these facts. These judgements are not arbitrary.

However, there is a stronger requirement connected with universalizability of moral judgements. Briefly, if we hold a prescription, which represents a preference of ours, (since, as Hare says, to have a preference is to assent to a prescription) and if this is a universal prescription, we must "accept the universal application of the prescription; and this includes its application were we in the other's [or all other's affected by my action] position. So the facts we need to be cognizant of will include facts about his [their] position as it affects him [them] with his [their] preferences...." (1981: 89). For Hare the requirement to universalize our moral principles is interpreted in an ambitious way. When I put myself in another's shoes, I must take account of all others' preferences equally. Thus: "It follows from universalizability that if I now say that I ought to do [X] to some other person, I am committed to the view that the very

same thing ought to be done to me, were I in exactly his situation, including having the same personal characteristics and in particular the same motivational states." (1981: 108).

For Hare this means that I must 'fully represent' to myself and 'identify' with the preferences of all those people affected by my action. Such representation generates act-utilitarianism. This impartial evaluation "involves [coming to have] equal motivations [ie. equal to the motivations of those affected by our actions], with regard to possible similar situations, were we in them" (1981: 95). Since we come to have, ourselves, in some way, preferences equal to all of those affected by our actions, we are in effect deliberating in the same way that an impartial 'ideal observer' (1981: 44) would do. Through an admittedly difficult act of imagination, Hare's theory requires that we treat all the preferences of all those affected by an action, including ourselves, equally and impartially. No special consideration can be given to our preferences or to those of friends.

Some philosophers have thought that such a thought process is incoherent. It would somehow require us to deliberate as two or more people at once. Julia Annas has argued that Hare's process of universalization requires us to take on two incompatible thoughts in our practical reasoning. That is, it requires us, by asking us to 'fully represent' to ourselves all preferences of all those affected by an action, to take on the thought that "I do not stand in a special deliberative relation to my own preferences" (1982: 202). However, in asking me to also actually decide what to <u>do</u> using these preferences, it also

requires me to retain the thought that I do stand in such a special deliberative relation. "There is ... no way of fitting both processes into one coherent train of one person's practical reasoning" (Annas 1982: 202). But we need not assume that two such processes are needed. Annas is not entirely clear what she means by the phrase 'special deliberative relationship'. But whatever it might mean, in her use it begs important questions about impartiality. It is at least conceivable that I might treat several of my own conflicting prescriptions (eg. my love of ice cream with my desire to avoid increasing the chance of my having a heart attack) equally with no partiality given to one or the other (perhaps ice cream is readily available and looks particularly delicious, and I can tell myself that this one case of indulgence will increase the likelihood of heart attack only slightly). I can surely conceive of balancing such considerations equally with other long term concerns (eg. My indulging this time is part of a process of addiction. If I indulge this time, the likelihood that I will do so more easily in the future increases, etc.). So if I can conceive of taking on the preferences of others as my own, for hypothetical situations in which I were another, I can conceive of similar impartial consideration in such cases. It does not, of course, follow that Hare's procedure is necessarily morally desirable.

How exactly does universalizability generate act-utilitarianism? It entails not that individuals cannot be mentioned in the principle. It entails that "differences of personal identity" (Hare 1982: 310) cannot be mentioned or treated as morally relevant. This does not mean that facts about whose mother someone is cannot be morally relevant. 'People should telephone their

mothers on Mother's Day' makes relevant the fact that someone is my mother in a way that the fact that someone is a mother is not. But the universalizability of moral judgements, according to Hare, requires that I hold the principle for all hypothetical situations, precisely or 'relevantly' similar in their universal properties, in which 'mother' is not mine, or McDonough's or Jones'. Individual preferences and personal characteristics are treated as universal features of situations for Hare. 'Holding' a universal principle, then, requires that I come to "identify" with other people in a sense in which I come to feel now (ie. in my deliberations) their preferences in 'the same' way they do, were I in their position, with their personal characteristics.

Hare's universalization and critical thinking "manifests this full representation and identification" (1981: 98) and this in turn generates act-utilitarianism. Such 'full' identification entails that "If a person in front of me has fallen into [a] boiling dye vat, and I *fully* realize how much he is wishing that he had not, I shall myself desire with *equal intensity* not to fall in...assuming that I expect my mental state if I do to be the the same as his"(1981: 98, my italics). Thus, when I perform this 'full representation' and am asked how I feel about being in another's position, "I shall reply that if it would be *me* , I do now have the same aversion to having it done as he now has" (1981: 98). The preferences of all persons (or sentient beings) affected by a particular action are given equal weight and the preferences with the most intensity decide my action. Thus, in a case which Hare refers to, if I have a strong desire to park my car in a driveway currently occupied by X's bicycle, and if X has a weak desire

not to move his bike, after full representation of all preferences, I find I should move the bike and park my car. However, if X has a very strong desire not to move his bike, then I find - after full identification, etc. - that I should not move the bike,etc. This is act-utilitarian since the preferences of all those affected are given equal weight and the strongest preferences are decisive.

It should be noted here that in cases in which the preferences of many persons are concerned, this method does not entail that the most intensely held preferences win out. For example, a society in which a large majority prescribes slavery for a small minority, the prescription may survive the universalization process. The many preferences of the slave owners (though relatively weak) may outweigh the few (though intense) preferences of the slaves. Strongest cumulative preferences are maximized.

The Schizophrenia of Hare's theory

But what exactly is objectionable about this kind of analysis as a form of human moral judgment? In answering this question, I want to consider several examples, considered by Hare in Moral Thinking, which are of the kind often adduced against act- utilitarianism. Hare regards his two level theory as answering these objections very satisfactorily, so it will be interesting to see how he thinks this is done. The objections I will consider here are those dealt with in chapter 8, having to do with the place of virtues (closely connected with integrity) such as loyalty and vices such as 'evil desires' in utilitarian

calculations. Objectors often complain that utilitarianism cannot allow a large enough role to the former and allows too large a role to the latter. In both cases, utilitarianism does not take seriously, or does not take nearly seriously enough, our 'common sense' moral intuitions about such virtues and vices. As Hare says, the moves made by objectors to utilitarianism are basically the same in all cases, and correspondingly, Hare's moves to defend his theory are basically the same in all cases.

I have already discussed one kind of case (ie. the majority slave owners) in which 'evil' preferences or desires seem to have much too strong a place in moral judgement. Hare himself discusses three cases. First, there is a patient in a hospital needing a kidney and heart transplant. In Hare's words: "a down and out who is known to nobody and who happens to have the same tissue-type as both the patients strays in and out of the cold. Ought [the doctor or hospital staff] not to kill him, give his heart and kidneys to the [patient], and thus save two lives at the expense of one?" (1981: 132). Clearly such a result runs counter to some very strong moral intuitions that most people have. We would be likely to object that it takes more than a moral theory to force us to abandon our strongest moral feelings. As even Hare admits, "there is a presumption that [our moral intuitions deserve to be saved]" from act-utilitarian counter-intuitive prescriptions(1988e: 291). Indeed, one of the purposes of his separation of the levels is to "save" the appearance that our intuitions are valid against the counterintuitive prescriptions of certain utilitarian theories (1988e: 288).

Hare's response to such objections indeed makes use of his two levels. First of all, he says, intuitive thinking will advocate a prohibition on murder in the form of an intuitive principle. Such a principle will have a high acceptance utility. Second, we will be very unlikely to have good reason to overcome this prohibition in the particular case because it is very unlikely that we will be able to compile the necessary information necessary to do competent critical thinking and it will be equally unlikely that we will be able to be justifiably confident that the information (should it bid us to kill the down and out) is correct. Thus, all things considered, we should always or almost always stick with our intuitions. As Hare says, the "high degree of probability" which would be needed in connection with the information we gathered (eg. re: the down and out's lack of connections, the discretion of all those involved in not revealing that the act has been done, etc.) "will not be forthcoming in many actual situations, if any at all" (1981: 133). We might want to comment that even if such information should be forthcoming in one case, or even if it is conceivable that it could happen, we still should not be convinced that killing was the right choice just because it maximizes utility. Any theory which required us to do so might appear to be of dubious validity. But Hare can with some justice claim that by pointing out the rarity of such cases, his theory escapes most if not all of the sting of such objections. He might say the cases in which we are required to follow counterintuitive prescriptions "would clearly be so unusual as to be beyond the range of our intuitions" (1981: 135).

Hare deals with two further, and more 'genuine' (1981: 137) examples in a similar fashion. The first example considers the common sense moral intuition that we should "give...[extra] weight to the duties usually thought to exist towards particular persons, or to ties of affection or loyalty which bind us to them but not to mankind in general" (1981: 135). That is we are usually thought to have special duties to our spouses and children, etc. These are stronger than our duties to total strangers. Act-utilitarianism seems to require, for example, that parents avoid being partial to the needs of their own children. In requiring us to maximize preference satisfaction, and forcing us to treat the preferences of all (eg. parents and children) equally, it seems to ignore our common intuitions about such relationships. To take a particular case, offered by Hare (via Bernard Williams) I am to suppose that I have been "in an air crash and the aircraft catches fire, but [I] have managed to get out; in the burning plane are, among others, my son and a distinguished surgeon who could, if rescued, save many injured passengers' lives, to say nothing of those whose lives he would save in his subsequent career. I have time to rescue only one person" (138). Hare's first comment is that once again, one is unlikely to have enough information, of which one can be confident that it is true, to take what is supposed to be the utilitarian's unflinching prescription--ie. Save the surgeon, let your son burn! However, even if one did have the necessary information, "You have (rightly from the critical utilitarian point of view) been brought up to attach dominant importance to these family loyalties" (1981: 138). Thus, you will probably rescue your son.

This characterization of the problem raises an important point. The upbringing recommends, in such cases, what is the morally wrong action from the critical perspective. We would be right to consider this a serious flaw in the theory. Even seeing clearly what the right action was from the point of view of my theory, I am likely to do the wrong thing from that point of view. This is a seriously schizophrenic result.

This point strikes at the heart of Hare's theory, and needs to be explained further. For Hare, the 'well-brought up' individual is, it seems, the morally educated one. This means that she is adept at thinking at both moral levels. She knows when it is appropriate to ascend to the critical level. She knows also that intuitive thinking is a mere concession to human weakness and partiality. Hare might say that it is often inappropriate to make the move to critical thinking, because of the urgency of the situation and the resulting lack of information, fellow-feeling, etc. In the cases we are considering, Hare can allow values like family loyalty, and the prohibition on murder to prevail. However, upon reflection, the agent must admit that on the whole the action was wrong. It is still 'right' (ie. 'prima facie' right) in one sense as Hare claims (cf. for example, 1988c, 261). But we now see that this sense of right is the relatively feeble sense in which the action was the best one could do as an agent who must live by moral standards fitted to human frailty and ignorance. Thus, regardless of lacking the 'leisure' to perform critical calculations in the face of 'real life stress and urgency', Hare's agents must adopt a sort of schizophrenic outlook. They must diligently and confidently adhere to general rules at the intuitive level. But

at the critical level, these same principles must be viewed as mere 'useful fictions', designed for an ignorant humanity. They are fictitious because they fabricate a more or less crude substitute for genuine important moral truth. This truth, then, is commonly something which is out of the reach of humans, but also something for which they should rarely strive. But this point raises the possibility for Hare to take advantage of another response to the objection I have raised. He might acknowledge that the ascent to critical thinking does create a psychological 'dissonance'. But since these moments of ascent are so rare, they do not create anything like a schizophrenic identity.

But it is far from clear that the ascents to the critical level are as rare as Hare usually indicates. In a footnote, he considers an example which he says "has greater verisimilitude" than Williams'. This is Godwin's example of Fenelon's chambermaid's daughter, who must choose between saving her mother and the virtuous Archbishop from a burning house. In such an example, the chambermaid would have been more informed as to the relative merits of saving each life, since she may have known both the Archbishop and her mother very well. Hare concludes: "... if the Archbishop really was such a paragon, perhaps it would be right to save him [rather than the mother].... The fact that it would go against the grain is hardly material" (1981: 138). The tone of this suggests that Hare might be rather more the hard-headed, no nonsense, ie. classical act-utilitarian than he often seems willing to admit. In any case, the above point makes clear that the rules of the intuitive level are relatively flimsy moral props. On Hare's view, in the slavery example, the fact that enslavement

of the minority 'goes against the grain' of our moral feelings condemning slavery must be 'hardly material' to our moral judgement.

We should notice that the defence which Hare has been using here is essentially one that says, 'Look, act-utilitarian analysis is one that requires amassing a lot of information, being quite certain that the information is accurate, and then performing a complicated calculus of the utilities of various courses of action. We are rarely going to have the time and ability to perform such an analysis.' As he says, "The fraudulence of the [examples adduced by anti-utilitarians] consists in suggesting that you can at one and the same time be in this emergency situation, and do the leisured critical thinking which would be necessary in order to justify you going against your intuitions" (1981: 139). In addition, there is the further problem which Hare discusses earlier in Moral Thinking. Given our human weaknesses (partiality to self, etc.) if we need to abandon our moral intuitions (prima-facie principles) in times of stress (eg. when they conflict) then we are likely to "cook our moral thinking to suit our own interest" (1981: 38). Having our 'intuitions' buttressed by strong moral feelings was supposed to stave off such 'cooking'; but if our intuitions need considerable mediation then we cannot rely on them to get us out of trouble in such cases. Given any fairly diverse set of principles, conflicts are bound to arise fairly often. Also, our set of principles would need to be fantastically diverse to avoid unanticipated moral problems. Hare cannot escape the conclusion that critical thinking must at least be attempted in such cases. But even if we can do

competent critical thinking in such cases, we are likely to be dissatisfied with, indeed morally offended, by its prescriptions.

Schizophrenia and 'indirect' critical thinking

We have been assuming so far, given our discussion of Hare's conception of intuitive thinking, that Hare needs to fall back on direct critical thinking as we have just described it, whenever rules cannot be automatically followed. But there is another sense in which Hare says that critical thinking has a crucial role to play in his two level theory. This is what we called indirect critical thinking . This has to do with the way in which intuitive thinking is *based on* critical thinking. But even here the moral concerns represented at the intuitive level must somehow evaporate under the hot light of critical thinking. Thus, Hare's theory becomes a sitting duck for the objections to act-utilitarianism outlined above.

As we noticed in the last chapter, the goals of our everyday intuitive thinking are complex, varied and reflect our human 'weaknesses' and attributes. The goal of critical thinking is clearly stated by Frankena in what he calls 'thesis A'. This thesis is, he says, what we may call a "fixed point" in Hare's theory. This constant holds that "the right act to perform in a particular situation is the act that one of archangelic powers would pronounce to be so if he addressed himself to the question and used CMT1 [read: direct critical thinking] to answer it.... In holding [thesis A] Hare is an act-universal- prescriptivist and act-

utilitarian." (1988a: 48). We have seen some of the major problems associated with this kind thinking, taken alone.

The main question here is whether Hare can do anything to prevent the reduction of intuitive thinking to direct critical thinking. Clearly the potential for such a collapse is real, since as Frankena says, Hare holds that our intuitive thinking should be "critically based and hence not 'uncritical'.... [It] ought to be a *criticized* codal thinking" (1988a: 45). Only archangels would use unadulterated direct critical thinking, but less elevated and enlightened human beings need a kind of moral thinking which, while it takes as much advantage of the insights of archangelic thinking, still protects humans from potential abuses that would inevitably result from its unrestricted use. The question might then take the form: "To what extent does direct critical thinking play a role in constituting, evaluating or judging intuitive thinking?" We should notice that this entails the question, to what extent is thesis A the standard of right conduct at the intuitive level?

That this is at the root of the problem is brought out clearly by Hare's comments on Frankena's formulation of thesis A. He says that "I have indeed subscribed to the thesis as an account of 'right' in one of its senses. But it is also possible that we sometimes *within* intuitive thinking call acts right if they are in accordance with our intuitive prima-facie principles and wrong if they are not" (Hare 1988a: 222). It is worth noting that this does nothing to answer the objection that our intuitive principles often conflict, etc. and thus require some kind of judgement. The 'intuitive' sense of right is no help because it means

simply 'what the rule dictates'. But this is useless when rules conflict. So in such cases, Hare's moral thinker must return to critical thinking and 'thesis A'. But Hare's amplification of indirect critical thinking is obviously meant to protect the intuitive level from the collapse it would undergo if thesis A were the only standard of rightness.

What Hare neglects to say here and elsewhere when commenting on this point is that these are not *simply* two senses of 'right' *tout court*. The critical sense must be taken as 'overridingly' right if Hare's theory is to be plausible. That is, if an agent who has certain intuitive principles which will recommend not telling a lie, but she also sees after some critical thinking about which she is reasonably confident, that in a particular case telling a lie will maximize preference satisfaction, then the lie must be told. Critical thinking in this way ushers in what might be called the 'definitively' right act. Otherwise, after critical thinking has been done, and one's intuitive principles have been consulted, the decision of which judgement to follow - if there is a conflict between the two kinds of thinking- will be arbitrary. The question is, can Hare insulate intuitive thinking from having to resort to the kind of calculation which makes use of this standard of right in the frequent cases in which judgement is required at the intuitive level. If he cannot, then the problems associated with the act-utilitarianism mentioned earlier loom much larger.

One way to use such insulation, if it existed, would be to pack it quite firmly between the two levels. This is what a more thoroughgoing rule-utilitarian does. This involves calculating the benefits and costs of teaching various rules,

of coming to hold them, and of acting on them. Rules could perhaps be quite specific, but not of unlimited specificity since this would be equivalent to act-utilitarianism (Hare 1981: 43). They could also be infinitely diverse. As Frankena points out, this kind of view might not make use of act-utilitarian judgement at all, since the rules are always to be relied on. Of course, direct critical thinking can only be avoided if we always have a ready made rule, and/or our rules never conflict. I have already argued that this is implausible. Hare's view is quite different. He outlines an admittedly incomplete, yet daunting, list of the knowledge that a "perfect, archangelic" (1988a: 225) thinker would need to have in order to select principles for human thinkers. The list includes knowledge of the circumstances in which the principles will need to be used, the utility that will result from all uses of the principles, as well as the utility of all the acts needed to cultivate and "secure future compliance" with the rules when the education process has been less then perfectly successful (1988a: 225-226). The point is that what counts, in the final analysis, is the maximization of utility as determined by actions which conduce to that end. But this is what also counts for the thoroughgoing rule-utilitarian.

In a sense, Hare's claim of being both rule and act-utilitarian is justified. He is an act-utilitarian in at least two ways. He advocates critical thinking as a method of moral deliberation applied to particular cases by Archangels and applied in those (rare) cases in which human beings can use it safely and competently. Secondly, the selection of prima-facie principles for human beings is act-utilitarian because it involves justification of, "the cultivation

and following of dispositions (rules) by the utility of of these (series of) *acts* of cultivation and following" these principles. As Hare says, however, he is still a rule-utilitarian in a sense because his theory "bids us *at the intuitive level* do our moral thinking in conformity to these rules. It thus secures the advantages claimed for rule-utilitarianism" (1988a: 227). But if we examine the theory more closely we see that these latter advantages are really quite paltry, and thus the disadvantages of direct act-utilitarianism become more acute.

In order to prevent the collapse of the intuitive level to the critical level, and rule-utilitarianism to act-utilitarianism, Hare's rules need to be extremely strong and self-sufficient. They would need to be tools that we had, ready-made, to deal with life's moral complexities. I have already argued that such rules would need to be fantastically complex and diverse to fit this bill. This discussion of 'indirect' critical thinking, or the utilitarian education process, brings out the absurdity of the thought that we can somehow 'have' very many rules, like so many hammers, nails, screwdrivers, etc. in constructing our moral lives. Something more than the rules is needed.

Hare admits that "almost all acts are to some degree self-educative" although some are more so than others. He gives as an example of acts which are 'especially self-educative', acts involved in 'suffering fools gladly' (1988a: 229). This is a good example for our purposes since obviously much judgement would be needed to apply such a principle. This would mean, as Hare himself says, that "We should...end up applying [direct act-utilitarianism] to pretty well all our acts to some degree...." (1988a: 229). The reason for this is

just the one I was suggesting in the last chapter. We always, or almost always, have more to learn about what counts as or constitutes 'following' or 'obeying' a simple rule in a particular case. Some judgement is needed to tell us which rule is the best one to follow and what is the best way of 'following' the rule.

This also makes clear another important point. The critical thinking involved in 'direct application of the act-universal prescriptivist, act-utilitarian method to particular cases' and the critical thinking involved in 'selecting or justifying, etc.' our intuitive principles seems to occur, in Hare's view, in the same thought process. Thus, the 'two uses' of critical thinking may often occur simultaneously. But it also suggests that at least very often, we are not simply applying intuitive principles in some uncritical way, using them as - in Williams words - "black box mechanisms"; rather we are using critical thinking in almost all of our acts to a) "cultivate dispositions" and b) to calculate the "optimal consequences" of the particular act dictated by the principle on a particular occasion. Hare says of the above example, "...if we found ourselves *not* suffering fools gladly, we should pull ourselves up *both* because it led to less than optimal consequences on that occasion, *and* because we were getting into bad habits" (1988a: 229).

This is a revealing example. It clearly shows that insofar as principles cannot be simply followed by 'habit', insofar as judgement is required for their application, insofar the acts involved in 'following' the principle are 'self-educative', Hare needs direct critical thinking to monitor the conduct of the moral agent in a quite pervasive way. It seems that his view of the relation

between the intuitive and critical levels commits him to the view that rarely do we simply uncritically follow a given principle. Rather - at least for Hare - we usually, if not always, need to use critical thinking to determine what is morally best. Hare can certainly say: "... we should pull ourselves up both because it led to less than optimal consequences on that occasion, and because we were getting into bad habits" (229). But as soon as 'habit' - conceived of as a rule - fails us in a particular case, direct critical thinking (and thus thesis A) is needed to judge that particular case. Thus the form of schizophrenia inherent in Hare's theory is particularly severe. We do not adopt critical thinking on rare and rather bizarre occasions. Indeed, we are not just required to alternate moral personae, one instant rational archangelic strategist, the next mindless prole. We are required somehow to adopt both personae at once.

This flies rather startlingly in the face of Hare's earlier warnings about the dangers of critical thinking, and the rarity with which it should be used. Thus we find Hare backpedalling a few sentences later. He says: "The difficulty [of using direct critical thinking] is ... a difficulty which I have always acknowledged. That is why, in discussing here how [critical thinking] should proceed, I have supposed that it is being used by an archangel. As I said earlier, humans can do it after a fashion, and ... have sometimes to try to, when they are in the right circumstances and frame of mind. And over the generations we have achieved something like it. We should not be misled, by the fact that what this has resulted in are some pretty firm moral convictions, into thinking that we need not do any critical thinking ever again" (1988a: 229). But which Hare are we to

listen to? The one who tells us to apply critical thinking to 'pretty well all' our acts? Or the one who tells us to use it very rarely?

The answer, obviously, is that we should listen to neither. If we listen to the former, we are stuck with a crude, inadequate set of rules. If we listen to the latter, we must tear ourselves ruthlessly and completely away from moral concerns and standards which constitute our very moral character. Bernard Williams has put very well the problem we are faced with here. Hare has presented his two levels not as rival styles of thinking but as compatible elements in a harmonious system of moral thinking. But in making this claim work, he has not been able to take intuitive moral responses or habits as "black box mechanisms" (Williams 1988: 190) which humans would follow like so many automatons. This would have had the advantage of letting him insulate human moral thinking from the effects of thesis A and act-utilitarianism. But this at the same time makes his picture of moral thinking extremely implausible. On the other hand, treating these intuitions less strongly forced him to reduce or almost reduce everyday moral thought to act-utilitarian thought. This is for obvious reasons extremely unpalatable.

Given these results, we might feel much more inclined to think that human moral thinking is of quite a different nature than Hare's critical thinking. It does seem that our intuitions "constitute a way of seeing [a] situation; and you cannot combine seeing the situation in that way, *from* the point of view of those dispositions, with seeing it in the archangel's way, in which all that is important is maximum preference satisfaction, and the dispositions themselves are merely

a means towards that" (Williams 1988: 190). Even if one can, psychologically, combine the thoughts at both levels, the mixture is not "stable under reflection", because the complex, varied and conflicting aims constituted by our dispositions and 'intuitions' will not accept the prescriptions of the only arbiter that has been made available. Alternatively, the arbiter ignores the concerns of the intuitive level.

Certainly it is logically possible that critical thinking and intuitive thinking "can be quite continuous with one another" and that critical thinking can be "the completion of ... moral thought begun at the intuitive level" (Hare 1988c: 261). And this need not involve any debilitating conflict between the two 'levels'. Hare is perfectly right to point out, in response to Williams, that a good military thinker will be able to consistently adhere to certain prima facie principles (eg. 'the principle of Offensive Action') (H '88, 289) while overriding them in accordance with critical thinking, in particular cases, in order to achieve victory. But here the principle in question is obviously a rule of thumb. The rule simply falls away in favor of critical thinking when necessary. This would make Hare's 'two-level' view a closet one-level view. Hare's principles are stronger than rules of thumb and they must be if they are to be an improvement upon act-utilitarianism. It is also true that , "...the two levels, if aware of each other, will typically conflict" (Annas 1982: 208). But they conflict because we are typically not act-utilitarians. For Hare the conflict is particularly acute since we must adhere to the rules so tenaciously even while we ignore them at the critical level.

Conclusion

Hare misleads us in suggesting that critical judgements can be reserved for the rare 'cool' hour of reason. We often need to employ moral judgement in the face of what John McDowell has called the "whirl of organism" (1979: 339) in which we do much of our moral thinking. But having rejected the act-utilitarian judgement that Hare needs to resort to, it would be unacceptable, indeed philosophically objectionable, to throw up our hands in despair and declare that our moral conflicts, etc. are insoluble. But it seems obvious that we shall need to look elsewhere for a practical 'decision procedure' that will fit our intuitive thinking more comfortably. I have hinted that this 'procedure' can be discovered by looking more closely at a kind of judgement in moral thinking which is quite different from Hare's critical thinking.

3. ARISTOTLE ON VIRTUE

The aim of the past two chapters has been twofold. I have attempted to explain and assess an influential theory of what constitutes moral thinking. This entailed describing two kinds or levels of moral thinking. I have also criticized this theory, arguing that both kinds of moral thinking are in important ways inadequate for the complexities of human moral experience and that together they create a schizophrenic conception of moral agency. In the course of these criticisms I suggested that there are whole ranges of moral deliberation and decision-making that are completely neglected by this theory. I want now to outline what Aristotle called practical wisdom, that is, practical moral deliberation which is constitutive of virtue or moral excellence, with a view to arguing that it provides us with a much better account of the richness and complexity of human moral experience.

Aristotle's view of moral rules

Myles Burnyeat notes that it is possible to read a philosopher's acount of moral education as a sign of his conception of virtue (1980: 69). Hare has explicitly endorsed a certain view of virtue and it seems to fit well with the view of moral education he outlines in Moral Thinking and elsewhere. He has said that there is "absolutely no conflict between a 'virtues account of morality and a 'principles' account" (1988d: 279). He makes this comment after making

perfectly clear that 'good dispositions' such as kindness and courage have their place in his theory albeit only at the intuitive level. Thus, possession of the virtues "can be described ... as the internalization...of a body of principles...." (1988d: 279). I do not think that Hare means to say that virtues exist exclusively at the intuitive level. For his critical level might seem to embody virtues such as open-minded rational reflection. However, as we saw in the previous chapter, these 'critical' virtues require a fairly complete detachment from our 'intuitive' virtues. The latter have no significant influence in constituting the judgements of the former. If the intuitive virtues are to have much significance in human life for Hare, then humans will need to be able to see their actions as subsumable under certain general rules. Thus, moral educators will be expected to inculcate 'relatively simple reaction-patterns' formulable in general rules etc. in their morally immature students. Even if moral education also includes instruction in critical thinking, moral development will include a continued reliance on such rules.

Aristotle's account of moral development reveals a picture of virtue or moral excellence which is at sharp variance with the view put forward by Hare. Important differences center on the place and use of general principles or rules and the role of judgement and perception in moral thinking. After developing a picture of Aristotelian moral development, I hope to be in a position to show why moral judgement cannot be merely a matter of applying 'internalized rules'.

The distinction between two kinds of virtue that might be compatible with Hare's two-level theory bears some resemblance to Aristotle's distinction between the virtues of character and those of intelligence. The distinction is roughly one between dispositions to do that which ought to be done (hence Aristotle's label, the 'that') and the capacity to discern why it should be done (the 'why'). Hare himself acknowledges a debt to Aristotle for his own distinction between the critical and intuitive levels (1981: 25). However, it is less than obvious that Aristotle can be justly viewed as a clear-cut precursor of Hare in this regard. To be sure, there is a non-rational element to Aristotle's conception of the soul which in some ways corresponds to Hare's 'intuitive' level. The second part of the soul is independent of reason or 'rational reflection'. But this can, according to Aristotle, be more or less responsive to the dictates of reason, much as a kite can be more or less responsive to the tugs on the kite- string. The kite will respond in the 'correct' ways if the string is pulled correctly and with the proper force, etc. Thus, this 'appetitive' part of the soul is potentially in conflict with our reasoned desires but shares in reason "insofar as it listens to and obeys it" (1102b 30)[1]. The division of the virtues corresponds to this distinction between the reasoned and appetive elements of the soul: "for we say that some of the virtues are intellectual and others moral, philosophic wisdom and understanding and practical wisdom being intellectual, liberality [generosity] and temperance moral (1102b30-1103a5). But as the kite analogy above suggests, the connection between the two levels is crucial. We need to look to see if Hare's theory captures the essence of

Aristotle's wisdom, or if we need to look more closely to Aristotle himself for this wisdom.

Aristotle associates the 'that', the 'moral' virtues or excellences of character, (1095b4-14) with habituation and says that these are our strong beliefs about (moral) truth. They are "what is known to us [as opposed to what is known unconditionally]" (1095b 2-5). So it is necessary for the young to be habituated in the proper ways and to form characters strongly in accord with the proper objects. The point can characterized by saying that before one can come to autonomous, reasoned moral judgments of 'the good', one's character or soul must be well aquainted with the constituents of 'the good' and know what they are. Moral education's purpose is to harmonize as securely as possible our appetites with our reasoned evaluations of the good. But before this reasoned view of the good is possible, we need to have some idea of what that good is. In discovering this, we need to learn two 'lessons' of Aristotelian moral education. One is associated with the 'that' and one with the 'why' or 'because' of moral excellence.

But as Aristotle states, goods can not be subject to exact formulation in general rules (1094b16). While rules may be helpful to the immature agent, and even to the mature agent in a very limited sense, what is essential to moral excellence is a sensitive and competent perception or judgement (practical wisdom) that is capable of a much more fine-grained appreciation of the nuances of particular situations than general rules admit (cf. 1137a 10-30). The habits we use as starting points in our particular moral judgements

general and "such things [ie. particular judgements] depend on particular facts, and the decision rests with perception" (1109b 23). Thus, unlike Hare, Aristotle does not believe that a reliance on rules of limited specificity will ever constitute moral competence. At best it will constitute a good beginning (if the rules are good ones). Aristotle is very clear and unswerving on this. We can never rely on the 'that' alone as mature, excellent moral agents, although knowledge of the 'that' will be essential to good moral judgement.

But it is important to clarify even this concession to rules. Aristotle never seems to hold that rules themselves, or inhibitions against breaking them, can ever be the focus or sole basis of moral education, even in early stages. Moral educators always ought to have their eye also turned toward the educated perception in accordance with virtues that can be used well in particular situations. Thus an appreciation of the limitations of rules will need to be encouraged from the earliest stages of moral development.

This is important to grasp clearly. As Burnyeat points out, the 'that' or the good character embodies the starting points for the moral agent or "correct ideas about what actions are noble and just" (1980: 72). To have these is to have knowledge of what is good, though it is not yet to be able to grasp or work out for oneself <u>why</u> it is good. In addition, it does not seem to mean that one is yet able to make fine and delicate judgements in cases where our moral 'habits' conflict or where it is unclear what habits apply or where we are simply not equipped with habits demanded by the situation. These habits are related to the 'that', are general and are therefore starting points for more sophisticated

judgements. Habit, in other words, can get us only part way in any situation. The person of moral excellence will use these starting points to harmonize her desires with reason or practical wisdom. She will have the 'why' as well as the 'that'. And because, as Aristotle says, we often need practical wisdom, a sensitivity to the concrete and particular is needed. Thus, the "ideal outcome" of Aristotle's moral education is a person with both the 'that' and the 'why'. This is the person of practical wisdom, whose actions and choices display the virtues. As Tobin says, " When one acts virtuously, and consciously acknowledges and endorses the the value of this way of living, one lives a flourishing (or good) life: that is, one achieves *eudaimonia* " (1989: 195).

It is important to notice at this point that it is possible to combine the elements of virtue in different ways. The phrase 'starting points' in connection with the virtues of character might be thought to suggest separate levels of moral thinking, a la Hare. That is, one would use the rules of intuitive level as a sort of launching pad for more specific, nuanced judgements. This is a rather nice analogy for something like Hare's theory since the judgements of the intuitive level, although they may play a preliminary role in picking out relevant features of situations, play no role in determining what is actually morally right. This is determined by the act-utilitarian standard alone. But it is not necessary for the virtues of character to play such a dispensable role. It makes sense to call, for example, the ingredients for making bread 'starting points' for making the bread. And although the finished product is not simply what it once was (ie. X amount of flour, Y amount of baking soda, etc.) these 'starting points' are

essential constituents of the final product. Aristotle's theory should be conceived of in this way, and I will be trying to flesh out this picture as we go along.

Aristotle's picture seems to differ fundamentally from Hare's in that at the 'level' of the 'that' we are trying to cultivate a "general evaluative attitude which is not reducible to rules or precepts" (Burnyeat 1980: 72) and that this general attitude is important mainly as some sort of basis for excellent particular judgement. It is never adequate in itself for making excellent moral judgements, yet it always informs these judgements. This is not to say that we may never need to rely almost exclusively on general rules or moral habits in particular cases, or that in certain situations it will be desirable to do so. With Hare, Aristotle can allow that human frailty etc. sometimes requires us to rely on general rules. But to do so will always, for Aristotle, be a sign of moral shortcoming or immaturity.

But what exactly is the 'that' and what is its role in moral development? How does it differ from Hare's code of rules? The term 'habit' in this connection is somewhat misleading. We often associate a habit with some sort of automatic conditioned response. My habit of curling my toes under my feet when I am engaged in intense thought occurs automatically without any reflection. But the excellences of character are not mere habits in this sense, although it is an important feature of them that they also occur effortlessly and automatically. In NE I.7 Aristotle connects what we have been calling the 'that' or good moral character, or good habits, with the ultimate human good. This is

'happiness' which, in Aristotelian terms, may be better translated as 'living and doing well' (Urmson 1988b) or 'human flourishing' (Tobin 1989) in order to distinguish it from a mere feeling of pleasure and to emphasize its connection with good actions in all areas of virtue. At the end of I.7 Aristotle says that we cannot formulate, and should not expect to formulate, an exact explanation or description of human flourishing. We cannot demand precise explanation of it (1098b1-5). But our particular habits, the bases of moral character which we use to begin our moral deliberation, must be "taken to heart" (NE 1095b10-12). Thus, sound advice from our teachers, parents, etc. must become our own knowledge. And Aristotle explains how this happens: "The 'that' is a first thing and a starting point. Of starting points [in general] some are seen by induction, some by perception, some by a certain habituation, and some in other ways again" (1098b 3-5). The starting points that we learn by habituation are the virtues which are constituents of human flourishing, but as Aristotle assumes, knowledge of human flourishing itself is grasped by the intellect. In other words, our habits are not outgrown or displaced by reason. Rather they are supplemented by more sophisticated moral abilities.

Moral development, habituation and emotion

What does Aristotle mean when he says that good habits are learned by habituation? In II.1 Aristotle outlines his famous doctrine that we become good by doing good. Just as the skilled pianist becomes skilled by playing the

piano, "so too we become just by doing just acts, temperate by doing temperate acts, and brave by doing brave acts" (1103a35-b2). What does this mean? It is not to say that we simply become conditioned to doing or performing certain actions. Two points need to be made about this. First of all, learning the 'that' constitutes a kind of knowledge of the good and noble. Secondly, as Aristotle quickly points out, "virtue will be concerned with pleasures and pains" (1104b16). This means that virtue requires that the agent enjoys doing the just, temperate, etc. act. At least, she must not experience any internal friction, since part of what Aristotle is doing here is contrasting the virtuous person with the merely continent person. The latter will perform the right action, only by mustering up her will against other conflicting desires. There is at least some internal friction. This is what characterizes the merely continent person. In Aristotle's discussion it is clear that the two processes of becoming habituated to know the noble and becoming habituated to enjoy doing the noble thing are intimately connected.

But this has not quite captured the importance of feelings in the development and exercise of the virtues. Virtues "are concerned with actions and passions, and every passion and every action is accompanied by pleasure and pain, for this reason virtue will be concerned with pleasures and pains" (1104b 13-16). In the early stages of moral education, Aristotle is concerned with the development of the proper kind of pleasure and moral feeling. Urmson points out that we might more idiomatically say 'likes' and 'dislikes' for pleasure and pain (1988b: 26). In learning to be virtuous we must

experience pleasure in acting virtuously. If we are morally required to stand up for a friend in the face of strong peer pressure to do otherwise, we will be happy to do so. We will experience pleasure in virtue with the intensity of the person who truly loves reading, playing baseball, or doing philosophy. The bodily appetites are similarly trained in acquiring the virtue of temperance. We will enjoy nothing so much as eating just what the particular situation calls for. The contrast here is with the person who 'seizes up' with fear, etc. at the prospect of being required to go out on the ice, or assert oneself in a difficult situation. But it is also contrasted with the person simply has no conception of or interest in doing such things. Just as one must play hockey to truly learn that it is enjoyable, the child must learn that being virtuous is enjoyable.

But the question before us then is how such pleasure is linked to habituation and particularly how habituation can lead to the inculcation of a disposition to take the proper pleasure in the proper things. We might begin with a distinction that Aristotle never quite makes clear himself, but which is strongly hinted at and is important for his theory. This is the distinction between the kinds of pleasurable sensations or feelings one experiences as a particular consequence of doing something and the pleasure one feels which is intrinsically connected to the activity one is doing (Urmson 1988b: 106-8). Thus, one may enjoy philosophy because of the praise and admiration it brings from others. The libertine may enjoy sex for the admiration it brings from his fellows and the power it gives him over others. But Aristotle says: "Lovers of what is noble find pleasant the things that are by nature pleasant; and virtuous

actions are such, so that these are pleasant for such men as well in their own nature" (1099a 13-15) and in this chapter he is making a connection to the kind of love experienced by the person who truly loves the theatre or sportsor horses. Aristotle is not assuming that external goods (such as wealth and friends) are useless or not conducive to eudaimonia. They are not useless; they are needed for the life of virtue to flourish. However, the virtuous person loves the noble not because of these (external goods) goods but for themselves and as constituents of *eudaemonia*. It is this kind of enjoyment that needs cultivation.

We need to explore further what it is to enjoy something for its own sake. This will reveal an intimate connection between the 'that' and the 'because' which is crucial in Aristotle's theory. The kind of enjoyment that is distinguished from the libertine's is not a simple feeling of pleasure. Enjoyment of an activity is somehow constituted by doing the activity itself. Aristotle says that pleasure admits of degrees (X.3). But he also says "...perhaps pleasures differ in kind; for those derived from noble sources are different from those derived from base sources, and one cannot get the pleasure of the just man without being just, nor that of the musical man without being musical, and so on" (1173b 20-25). So the pleasure of the virtues is virtually indistinguishable from the activity of being virtuous, and the pleasures of the virtues are as various as the activities that constitute them. But if I am not fully just, for example, if I am impeded in any way (eg. by distraction, bodily appetite, etc.) then I do not fully experience the pleasure of being just. Thus

Aristotle says, "it might be debated whether the activity is the same thing as the pleasure" (1175b 33).

Now in NE 10.9, which is specifically devoted to moral education, Aristotle says that we come to taste these kinds of pleasures, to grasp their meaning, by habituation, just as we can come to be habituated to take the libertine's inappropriate pleasure in things:

> It is hard, if not impossible, to remove by argument the traits that have long since been incorporated in the character; and perhaps we must be content if, when all the influences by which we are thought to become good are present, we get some tincture of virtue. Now some think we are made good by nature, others by habituation, others by teaching. Nature's part evidently does not depend on us, but as a result of some divine causes is present in those who are truly fortunate; while argument and teaching, we may suspect, are not powerful with all men, but the soul of the student must first have been cultivated by means of habits for noble joy and noble hatred, like earth which is to nourish the seed. For he who lives as passion directs will not hear argument that dissuades him, nor understand it if it does; and how can we persuade one in such a state to change his ways? And in general passion seems not to yield to argument but to force. The character, then, must somehow be there already with a kinship to virtue, loving what is noble and hating what is base (1179b 24- 1180a14).

The quality of the habits which constitute the moral character influence the character of our considered moral judgements, just as the quality of soil will affect the character of the plants it nourishes. So acquiring a taste for the noble and just is also to learn to enjoy doing the noble and the just. The more we learn to enjoy the proper things, the more rich the soil of the moral character is and the better our reasoned judgements are likely to be.

So the person of excellent character manifests these excellences both by doing and coming to enjoy doing them. This is what Aristotle means when he says that we ought to be raised so as to "both to delight in and be pained by the things that one ought; this is the right education" (1104b 10-13). Hare also

uses this passage in support of his theory. But in the context of the present discussion, we should take note that this passage does nothing to suggest that we should 'take delight' in rules which are simply instrumental tools designed to effect an approximation to an independent standard of right and wrong. This delight in the virtues for their own sake is what we mean by proper dispositions, or states of character. But these dispositions, as the above analogy suggests, form a constitutive bond with one's reflective conception of the good. This is to come to see the 'because' which also is to see what counts as a fulfilment of our noble desires. The notion of habits as constitutive of the good rather than as instrumental means to the good is essential and must be clarified. This will be crucial in disclosing large differences between Aristotle's and Hare's notion of moral rules.

Practical Wisdom: a one level view of moral judgement

Aristotle says, "with regard to virtue, it is not enough to know, but we must try to have and use it (1179b2). How then do we use these dispositions or virtues of character? Aristotle clearly says that these excellences of character are not enough for a life of practical wisdom, but having the former is essential for the development of the latter. Thus, the second moral lesson is in many ways a 'sharpening' or bringing into focus the general knowledge of the first lesson. This is not to imply that the two take place consecutively. In fact

the close connection between the two suggests that while the one is developing, the seeds of the other are being nourished.

The passage quoted from 10.9 suggests that teaching, or rational argument will make the person of good character "ready to be possessed by virtue" (1179b 15). That is, the agent needs to become virtuous in a reflective, rational sense. It is not simply that reason provides a rubber stamp of approval for judgements made at the level of habituated virtue. From our earlier discussion of moral conflicts, and novel moral situations, it is clear that habitual knowledge is too general to provide us with sufficient guidance in our finely grained assessments of particular situations. Our upbringing to this point may simply have not prepared us for what we are about to face. Practical wisdom is needed for the virtuous person to deal with such situations well. In this function it bears some similarities to Hare's critical thinking. But Aristotle makes an intriguing connection between habit and practical wisdom that does not seem to exist in Hare's theory. This helps us to begin to make sense of the claim we have made that practical wisdom or reason helps us to specify more clearly the end which our habits are striving for. As Aristotle says of people of practical wisdom, "...experience has given them an eye and they see aright" (1143b14).

So reasoning about practical matters is, "a reasoned and true state of capacity to act with regard to human goods" (1140b 21-2). The key element here is that practical wisdom is about the good, that is a reflective scheme or life- plan that counts as one's most valued end. In Hare's scheme this would

presumably correspond to the act-utilitarian, archangelic ideal. The taste of the noble, which gives is developed by habit, gives us an 'eye' to the good. But we need to refine our perception so as to 'see aright'.

Thus we might imagine moral judgement as a matter of discerning the features of a moral landscape. We are born in a state of moral blindness. Habituation allows us to begin to see the rough outlines of the moral landscape, but we are unable as yet to discern important details. For this reason we are apt to fumble complex moral tasks. Now Hare can go some way towards accepting this picture of moral judgement. Our intuitive rules may give us the outline of the moral landscape. When we need to look more closely, critical thinking can afford us a more detailed look. However, something crucial must happen at the juncture at which intuitive thinking must give way to critical thinking. On Hare's view the move to critical thinking is really a shift to a different moral landscape altogether. The moral concerns represented by the rules are simply not a part of the act-utilitarian picture that must result from critical thinking. Thus, our 'habits', eg. of promise-keeping, truth-telling, courage, justice, etc. remain intact only insofar as they conduce to maximum act-utility. Otherwise they simply fall away.

Aristotle's point is quite different. Moral habits are not rules in any strong sense. Our habits may, it is true, appear in our deliberation *in the form of* simple rules. But these rules represent genuine moral concerns for the agent. The agent has been raised to take pleasure in that which is proper and to disdain that which is not. One's moral principles may provide a certain

amount of evidence about those concerns. But Aristotle's point is that these principles, if they are to be applied well, cannot be applied in isolation from reflective thought embodied in practical wisdom. Thus, rules appear more as rules of thumb which are much weaker than Hare's rules need to be. Yet they, along with other moral principles, will be indispensable in picking out morally relevant features of particular situations. Although the rules themselves are weakly held, they are connected with a firm moral character. This character in turn is only one aspect of moral judgement. The rules will require supplementation in order for us to perceive the moral truth that lies in the nuances of the situation. As Aristotle says, our choices reflect perception of the concrete particulars. Clearly, though, our habits help to constitute the moral landscape of our reasoned judgements. Ultimately, the integration of judgement with one's moral character constitutes a rich understanding of human flourishing.

So the second 'stage' of moral education, of which Aristotle's lectures are an important part, is designed to bring into relief those things that are truly just, courageous, temperate, etc. in particular cases. (NEI.8, II.3, X.9 , 1179b 31) The key here is that the motivations and dispositions towards virtue that have been developed in a general way need to be brought under a more reflective 'life plan' or conception of human flourishing. Without such a conception, my intuitive or habituated responses may push me to act in a way that more reflective thought would rule out. When this occurs it does not follow, contrary to what Tobin suggests, that I am simply "taking on trust what [I] am

told" (1989: 203). I have a strong reason for holding this, and it is truly my own reason, not taken merely on authority. Yet it is also true that I have "yet to discover the truth of what [I] have been taught" (Tobin 1989: 203). In spite of my good habit, I may not yet be able to articulate it in relation to a particular judgement. Like the young tennis player who knows it is good to keep her opponent off balance, having a reflective conception of what constitutes this, and the ability to execute this, to perceive it, will allow her to decide in complex situations, to do what actually will confound her opponent the most.

As Aristotle says of akratic, but which could equally apply to the immature agent:

> Spirit [emotions, disposition] seems to listen to argument [reason] to someextent, but to mishear it, as do hasty servants who run out before they have heard the whole of what one says and then mistake the order, or as dogs bark if there is but a knock at the door, before looking to see if it is a friend (1149a 25-30).

What is required is a yoking of the beliefs represented in the moral character with judgement and perception of what is actually right in particular complex moral situations. This is what Aristotle means when he says that habit "listens to and obeys" reason(1103a 3). Reason and habit must become harmonized for full virtue to be attained.

This is why shame is an important feature of the person of 'habituated virtue' when she begins to learn Aristotle's second lesson. One who possesses the excellences of character will be motivated to do the excellent action not by fear of punishment but by her realization that she has pursued something other than "what reason directs" and her feeling of shame upon

realizing this(1119b 18). She will realize her mistake and move to correct it. Thus, unlike in the akratic person, habit is not in conflict with reason exactly, but rather has not learned to be patient and wait for full instruction. The person who has a good character will be ashamed at doing the wrong thing because she has learned to value something but has not yet learned always to see clearly in particular cases. It becomes clear then that there is an intimate connection between the so-called 'unreasoned evaluative responses' that we learn by habituation and our particular judgements of practical wisdom. As Burnyeat says, because of this connection,

> moral development must be a less than fully rational process but also , what is less often acknowledged, that a mature morality must in large part continue to be what it originally was, a matter of responses *deriving from sources other than reflective reason*. These being the fabric of moral character, in the fully developed man of virtue and practical wisdom they have become integrated with, indeed are now infused and corrected by, his reasoned scheme of values (1980: 80).

David Wiggins points out that, "few situations come already inscribed with the names of all the concerns which they touch or impinge upon" (1980: 233). Our concerns are defined and discerned by our moral character. But reason is needed to give us a more finely tuned picture of moral situations. The point about akrasia is that the person who has not had the proper moral training "tends to follow his passions.... [and so he pursues] each successive object, as passion directs" So "knowledge [about reason or the 'because'] brings no profit" (1095a 9-11). This is so because however much knowledge such a person gains, his motivational structure will still often bid him to do other than what reason independently concludes if it is not well trained. The well

brought up person however, will come with noble motivations and will have the ability to discern clearly all the salient features of situations. But her habits will not disclose the details required for a more nuanced response than mere habit can reveal. This is why, when she is properly educated by something like Arisotle's lectures she will feel shame if she has let her 'appetites' get over-eager and so pursue the wrong course.

Aristotle's theory of moral reasoning, as it is described above, seems to be best described as a one-level rather than a two level theory because there is no tier in which rules are adhered to unreflectively. This is an important feature of Aristotle's theory, which clearly distinguishes it from Hare's. The contrast can be made clearer by looking at some features of Aristotle's discussion of incontinence (*akrasia*) and comparing it with Hare's own view. We need first to look at Aristotle's idea of practical deliberation, or moral decision-making, in order to flesh out our picture of how these different kinds of desires get generated.

The outcome of deliberation, Aristotle says in NE 3.3, is choice. This is a particular form of desire and in NE 6.2 Aristotle connects our reasoned choices with the reasoned good. He also makes clear the link between characters and choices. Thus, "virtue is a state of character concerned with choice" (1139a 22). We must have both good character (general desires, motivation) and well-reasoned choices at the same time in order to be virtuous or continent. This link of desire and 'truth' makes deliberation practical and thus its outcome action. But once again, this choice derives directly from our

general character and the desires embodied in it. This is why Burnyeat emphasizes that deliberation is 'reasoning *from* the good' (1980: 83). If our good habits do not constitute our reasoned understanding of the good, then the result of our deliberation (ie. the action) is not a manifestation of choice but rather mere appetite, emotion, or some other kind of desire.

But the akratic is someone who is capable of and does 'reason from the good' and generates 'choices' in a way akin to the virtuous and continent person's deliberation. This is a difficult idea. Why is it that choice in this sense ushers in appropriate action in the continent or the virtuous person, yet the incontinent person can in some sense make the same choice yet act contrary to it? The answer once again seems to lie ultimately in the moral education of character that we have been discussing. The important point is that the akratic is able to generate a reasoned desire (formulable in a practical syllogism) such as 'I should not eat any more since I have eaten an appropriate amount already'. However, this comes into conflict with another desire such as that formed when presented with a piece of cake, ' I would find this sweet thing pleasant'. Such conflicts are not of course confined to bodily appetites. Burnyeat formulates a similar conflict with regard to the kinds of 'unreasoned evaluative responses' of the good character. Thus, we might find ourselves jumping to take revenge at the sign of an apparent wrong without waiting to gather more information to see whether our original impulse is in fact justified. The crucial point is that the explanation of akrasia as well as of continence is rooted in an examination of the person's development of character. The first

key stage of Aristotelian moral education was to train our passions and appetites to aim at the noble. If this is done thoroughly, then this training will develop in us a "settled disposition" towards the noble (Urmson 1988b: 28). The next stage, as the discussion of choice revealed, is to develop a capacity for clear reasoning.

This topic needs to be explored. An attempt to distinguish the continent from the incontinent (and the virtuous) man will be a helpful preliminary. This distinction comes in Aristotle's discussion of the different kinds of knowledge that characterize both. Aristotle makes the distinction between two kinds of knowledge at 1147a 10. The person who is conflicted (ie. has a reasoned desire which conflicts with an appetitive desire for the pleasant) can have the knowledge only in a weak sense, such as a drunk, obsessed or sleeping person might know something without being able to bring that knowledge to bear in a particular situation. Now the knowledge which the akratic man fails to bring to bear in cases where he has conflicting desires, is perceptual knowledge, which is knowledge about particulars (1147b18). So in the case of the conflict between a desire for something sweet and a desire to remain healthy, the knowledge that is lacking is, as Urmson states, related to the fact that "this [sweet thing] now is bad for him, something he knows in a way and knows fully when not in the grip of an appetite" (1988b: 94). This is very much like the kind of knowledge the immature person discussed above was seen to have. So according to the argument so far, the continent person will not eat the sweet thing because her appetites do not

cloud her perceptions. On the other hand, in the akratic, appetite partially obscures awareness of the particular salient facts. The immature person, even with good habits, can develop in either direction, depending upon the growth of moral knowledge of a perceptual kind.

Upon reflection we see that there are other considerations, and at least some of our habituated responses may have to yield to certain of the other considerations. Thus, to use Burnyeat's example, we must come to see this is only a case of an apparent wrong and therefore I should wait until I have investigated more thoroughly before acting (1980: 84). The continent person will wait and investigate, but it will be a struggle since her knowledge of the 'why' is less developed than in the person of full virtue. It is desire and perception that tells the continent and the virtuous person that that a wrong has been done, but it will also, if it is more developed, tell us that there is more to the situation if we just wait and explore further.

The upshot of this seems to be that the continent, and even moreso the fully virtuous person, finds pleasure in his reasoned evaluations of the good. As Burnyeat says, it is now also "second nature" to him to reason in this way (1980: 88). We might say that one's perception of the relevant features of a situation is sharp and unimpeded. In terms of our previous analogy, the rough outline sketched by our moral dispositions have been vividly filled in by an acute perception of the particular relevant features. This seems to bring out an interesting comparison with Hare's theory which is revealed in his own discussion of moral weakness. Hare's treatment of moral weakness

hinges on his theory of the logical properties of the word 'ought'. This word, in Hare's sense, has the properties of prescriptivity, universalizability and overridingness, as we have seen. Thus, akrasia is allowed as a real phenomenon for Hare at the intuitive level where prescriptions are overridable. But critical prescriptions - for Hare - are not overridable, even by non-moral prescriptions. As Frankena points out, Hare seems to assume that people necessarily treat their critical (ie.particular, specific, reasoned) moral principles as overriding all others (1988b: 791). Hare seems to be "thinking that one who is not an amoralist and sincerely assents to a well-founded critical moral principle will not let it be overridden by anything else, not even by plain desire, but will act on it in the situation for which he or she accepts it" (1988b: 792). Hare relies here only on the putative meaning of a word to come to this conclusion. The moral training represented by one's coming to hold general intutive rules can play no role in strengthening one's moral resolve once the rules conflict. For example, when my principle against letting another suffer conflicts with my principle of doing what I can to prolong and preserve life, the only moral standard I can refer to in trying to solve the dilemma is the the principle of utility. My intuitive virtues are worse than useless in helping me to do what is right or good. Here again the essential schizophrenia of the two-level view emerges. For Hare, the requirements of moral agency at the intuitive level mean that there must be a strong emotional antipathy to breaking the moral rules; but at the critical level, the same antipathy poses a potent threat of moral weakness whenever the rules have to be flouted.

Aristotle, on the other hand, would say that moral words such as 'ought' come to be overriding only if the agent's previous moral training has made her assign them this status. In other words, one's intuitions help to constitute the meaning of moral concepts at the reflective level. But of course this way of coming to take one's moral prescriptions as overriding is consistent with all sorts of principles that are not like Hare's critical moral principles. Frankena gives as an example the Quaker principle of pacifism. This rule is often taken as overriding, though it lacks the specificity of Hare's critical principles and does not look remotely like the result of act-utilitarian reasoning. Aristotle would not endorse this particular (absolute) principle. However, it does illustrate the way in which our understanding ofwhat is morally overriding is naturally constituted, in large part, by the habits which are starting points of moral education- in this case the pacific dispositions fostered by a Quaker upbringing- rather than some critical procedure, a la Hare, which cuts us completely adrift from those habits.

Burnyeat associates the state of full virtue with an "unchangeable character" (1980: 87) or settled state of dispositions which Aristotle gives as a prerequisite for choice in the name of virtue. He says, "... all this [deliberation] must proceed from a firm and unchangeable character. That is, it is second nature to the virtuous man to love and find his greatest enjoyment in the things he knows to be good.... " (1980: 88). What has always been second nature to the man of good character (so long as he has had this character) is his disposition, or settled state to respond (ie. act) in response to the exigencies of

particular situations. We do not outgrow our habits by any means, as might be the case with an increasingly competent Harean critical thinker who relies less and less on intuitive rules and more on the act-utilitarian standard. Rather our habits are made more responsive to reason. This is the perception of the virtuous person. Coming to be virtuous just is to refine this perception.

We are not, then, seen to be searching to find a more complex rule - at the intuitive level - which can then be superimposed on the situation at hand, and kept in store for application on future occasions. This is something that a rule-utilitarian like R.B. Brandt might suggest. As Aristotle says, "For when the thing is indefinite, the rule is also indefinite, like the leaden rule used in making Lesbian moulding; the rule adapts itself to the shape of the stone and is not rigid, and so too the decree is adapted to the facts" (1137b 29-33). Excellent judgement will be sensitive and responsive to the nuances of the particular situation. This is not a matter of formulating more complicated rules which could form a moral code. Hare himself realizes the impracticality of this. Soon the rules would become so long and the relations between them in the hierarchy they form so complex, that it would be impossible to use them as a practical guide (1981: 32-34). But in any case, Aristotle effectively rules out such an option: "...all law is universal but about some things it is not possible to to make a universal statement which shall be correct...[but] the error is not in the law nor in the legislator but in the nature of the thing, since the matter of practical affairs is of this kind from the start" (1137b12-19). Thus, perception ought not to be seen as a searching for rules or applying rules, but rather an

understanding of particulars, informed by one's moral character, which cannot determine a rule of universal content.

The 'one-level' view of moral reasoning just described avoids the 'schizophrenia' of Hare's two-level view. The moral concerns of the intuitive character help constitute the standards of the right and the good at the reflective level. This has important implications for moral education and I will attempt to clarify these implications next.

4. MORAL EDUCATION AND THE IMPORTANCE OF EXAMPLE

In this chapter I want to make use of the metaphor of the 'moral landscape' and the 'one-level' view of practical reasoning that it illustrates to argue more directly against the codifiability of virtue and for an understanding of judgement in moral reasoning. I would like to begin the discussion by presenting two claims made recently by moral philosophers and then examining the significance of these claims in the light of Hare's theory and Aristotle's theory.

Perception and moral judgement

The specific claims I will examine are essentially connected to the broader claim that there is an irreducible element of judgement in practical moral reasoning. The first claim is made by Peter Winch in his article 'Particularity and Morals'. Here Winch presents a fairly detailed example, taken from literature, of a man - namely a commandant of a post- WWII transit camp for Russian soldiers - who judges that his treatment of these soldiers is 'squalid'. That is, he experiences 'moral disgust' at his treatment of them. The soldiers are to be sent home, without their knowledge, to a grim fate and the commandant is to play a role in this transfer. The commandant's disgust is not the result of any blatant mistreatment of the soldiers. He has after all tried to convince his superiors that repatriating the soldiers is wrong. Nor is he influenced by any particular feelings of love or friendship for the soldiers. The

question is "what sort of logical constraint do the facts of the situation in a case like this exert on what moral response or responses to facts are admissible? (1987: 168)". And Winch's claim is that although 'facts' place some logical constraint on 'the applicability of ethical expressions' (1987: 171), ie. moral judgements are not arbitrary, these judgements are also intimately connected with our perceptions of the facts, or in Winch's words, our "attitudes" to the facts. Only through our perceptions of particular situations, infused with our emotional and habitual responses, can we become clear about what is morally required of us. What is required in a particular situation cannot be expressed in words (eg. a rule with some direct relation to 'facts') but only "through the application of language" (1987: 170). This includes our involvement with other human beings and a kind of dialectic or implicit 'criticism' based on agents' conceptions of themselves and understanding of others. There is nothing about the 'facts' of the situation which requires a principle of universal content from the commandant's judgement that he has done something squalid, although adherence to standards which entail a weak universalizability may be required. Thus, moral judgement is more akin to 'painting' than simply 'photographing' a moral landscape. Good painters may interpret broad features and details of a scene in radically divergent ways Similarly, a different commandant in the same situation may reasonably judge himself morally clean, for example on the basis that he did what he could to help the prisoners. In both cases, however, standards may be appealed to, indeed they seem necessary. The good painter must hold some standard of good painting (eg. Good painting should not sentimentalize the subject). The excellent moral agent must hold some

standard of moral excellence (eg. One must act act responsibly and with care towards those under one's supervision).

This claim obviously contradicts Hare's strong version of universalizability, which requires a principle of universal content for all agents in relevantly or precisely similar situations. Whether or not this claim requires us to deny a less ambitious kind of universalizability is an open question. This is an interesting topic, but is not central to my thesis. For the record, I am inclined to think that we are not required to make such a denial. I may justify a principle of different content than that of the transit camp's commandant on the basis of qualititative differences in our interpretation of the facts. This will obviously have much to do with the differences in development of our moral characters. However, I am inclined to think that no basis can be found for such a difference in the bare facts, for example, that I am Kevin McDonough and he is James Smith. Nancy Sherman makes a claim in The Fabric of Character, which is related to Winch's. Here she says,

> Emotions as well as reason ground the moral response, and these emotions include the wide sentiments of altruism as much as particular attachments to specific others. The claim is not the familiar one argued by some that sentiments and attachments enable us to fulfil the moral requirements determined by a more impartial reason. That would be far too Kantian. Rather, it is that emotions themselves are modes of moral response that determine what is morally relevant and, in some cases, what is required (2).

In calling emotions, 'modes of moral response that determine...' etc. Sherman should obviously not be interpreted as referring to raw outbursts of sentiment. These are rather the emotions discussed in the previous chapter, which are bound up in our habitual moral concerns. I take her point to be that elements of

moral character, which include emotional as well as cognitive elements, are constituents in our considered moral judgements of the good. In terms of our previous analogy, these elements are ingredients in the landscape we are confronted with and are trying to discern. As Sherman says, " our judgements of particular cases and our knowledge of how to 'compose the scene' is itself a part of the moral response" (1989: 3). Thus, particularism in moral judgement is not merely a matter of trying to objectively evaluate 'facts' about a situation. Our moral habits and the emotional responses to situations they embody represent ways or modes of discernment that themselves make up our moral judgements. Like Winch's, then, her argument implies that our moral principles do not need, ultimately, to be of universal content. Our emotional response to situations, for example, may be different in kind from that of another. This will influence my 'composition' of the moral scene. These differences in kind may justify a moral principle of different content for situation relevantly similar in all other respects.

In the last chapter I outlined Aristotle's view of emotions as components of our habitual moral responses. These responses were seen to be constituents in our reflective understanding of the good. I want now to use this view, combined with the claims discussed above, to amplify an important difference between Hare's two-level theory of moral reasoning and Aristotle's one-level theory of moral judgement. The first theory might make use of two kinds of 'judgement'. Moral judgement might be merely a matter of taking full account of the relevant facts - deemed relevant by the (strong) thesis of universalizability (and hence the principle of utility) - embodied in intuitive rules.

Alternatively it might be mere application of the universalizability thesis itself to particular situations. The second theory claims that there is an irreducible and unspecifiable element of judgement in moral reasoning. To this question we now turn.

Answering this question is, in part, a defence of the two claims outlined at the outset of this chapter. What does it mean to say that moral judgement is not merely a consideration of facts which place a logical constraint upon us, but also a matter of our 'attitudes' to these facts? What does it mean to say that our moral habits are 'modes of moral response? What is the significance of these claims? We can begin to answer these questions by looking at how Hare's theory needs to treat them. As Hare points out (cf. 1963: 2.1, 1981: 5.1), purely factual statements are universalizable by virtue of their attachment to objects of a certain kind. Thus, if I call a certain object 'red', then my understanding of the term 'red' can be checked by seeing if I am willing to call 'red' all objects with the property 'red', assuming that there are no external impediments (eg. poor eyesight, color blindness) to my perceiving the red object. That is, I am "committed to the view that anything which was like [the object] in the relevant respects [i.e. the colour red] would likewise be red" (1963:11). Now for Hare, as we have seen, moral prescriptions are also universalizable in virtue of their connection with certain facts. We make moral judgements in light of certain features of situations. But when we make a universalizable moral judgement, as Hare points out, we in consequence are required to take account of a particular class of facts. As we have seen already, "we are required to satisfy ourselves that we can accept the *universal*

application of the prescription; and this includes its application were we in the other's position. So the facts we need to be cognizant of will include facts about his position as it affects him with his preferences.... (1981: 89).

We can now address the questions asked at the beginning of the last paragraph. The fact that for Hare mere cognizance of the facts and deductive logic using these is all that is needed for moral judgements does not mean that emotions and moral 'feeling' do not play any role in the process of judgement. Hare discusses the importance of 'affective accompaniments' to moral rules for good reason. As humans, we need ways of selecting the facts that we attend to in our deliberation. Thus, we may find our intuitive moral principles - which are elements of our 'moral character' - invaluable in picking out morally relevant features. Naturally, it is most helpful if we have emotional attachments to these principles, at least in the sense of caring about having them upheld when they turn out to be relevant. The more we care about them and not breaking them, the more likely we are to notice when a feature of a situation (say a lie or a broken promise) is relevant. If my adherence to the principle 'don't tell lies' is extremely weak, then I may often not notice that a lie has been told, or I may be inclined not to examine very rigorously the lie's relevance to my practical reasoning in a situation. Thus, emotions might have an important place in Hare's conception of practical moral reasoning.

It is important to notice that however important a place Hare wants to grant such emotions, they are important only instrumentally. They are important insofar as they conduce to the agent's doing what is right in a particular situation; but what is right is decided by something else, namely by impartial

act-utilitarian judgement. This is the same as saying, as I have said before, that if two or more conflicting features are taken to be relevant and are mentioned in (conflicting) principles, or if we have no principle mentioning a particular relevant feature, then the only recourse we have is to do critical thinking which is equivalent to formulating a new, highly specific, principle which has no conflict with other principles at the critical level. This in turn is the same as saying that the critical principle is the one which leads to maximum satisfaction of preferences. The moral importance therefore is located squarely in the impartial act-utilitarian standard of right and wrong. Our attachments to the simple rules becomes quite irrelevant. Thus, our prima facie moral principles are not, at least in cases where they conflict, themselves 'modes of moral response', but mere instruments under the control of the act-utilitarian mode.

It is worth noting that this whole way of conceiving of moral deliberation depends on emotions being conceived of as being distinct, separable elements of moral character. That is, there is no necessary affective component to moral reasoning. If we are competent rule users we can make judgements of moral relevance simply by applying a moral principle mentioning that feature (1981: 89), and 'applying' here does not entail any affective involvement with the situation. If, on the other hand, emotions were in some sense constitutive of moral 'rules', that is if the 'rule' were simply unintelligible without reference to the affective component, then they would be an intrinsic constituent of our moral deliberation. In this case as soon as a feature of a situation is taken to be relevant for purposes of critical thinking, then our

perception of the 'facts' is colored not only by our mere cognizance of them but our affective relation to them. This obviously entails a richer kind of perception and judgement than mere discernment of facts and deductive logic.

Before clarifying this point, it is probably wise to offer something of a disclaimer here. What Aristotle conceives of as the role of moral habits, of moral character, and the role of emotions within this, does not justify whimsical 'flights of fancy' in moral judgement -- such as those Mr. Gradgrind in Dickens' Hard Times fought so vigorously against in his raising of Louisa and Tom. But Aristotle's conception does show how impoverished a view of 'fancy' Gradgrind and modern utilitarians need to take. The argument is that emotions - as elements of moral character (habits) - are indispensable to our proper perception of particulars, of 'the facts'. As Martha Nussbaum argues, "these faculties are indeed closely linked with our ability to grasp the particulars in all of their richness and concreteness, [and] perception will disregard them at its peril" (1985: 185). Without the proper emotional response, our perception of the particulars falls short of what is required for moral excellence.

Aristotle sees this and this is what his conception of judgement tries to account for. Clearly the richness of perception or judgement which Nussbaum speaks of is tied up in the connections between pleasure, habits and knowledge of the good discussed in the last chapter. But I think the importance of this kind of judgement for the present argument is best caught in Aristotle's notion of the mean, which requires an excellent response to particular cases in all facets of moral judgement-- emotional, cognitive, conative and reflective.

The notion of the mean is bound up in the 'integration' of moral character and reason referred to in the last chapter.

As Urmson points out, Aristotle presents the doctrine of the mean as a part of the definition of moral character. Thus, "we can stand well or badly with reference to the passions" (1105b 25). For example, the person of excellent character will display a disposition to feel violent anger if an extreme wrong has been done. On the other hand, he will feel only mild anger in cases where the wrong is much less severe. As Aristotle says, a person of excellent character feels and manifests her anger, for example, "
to the right person, to the right extent, at the right time, with the right motive, and in the right way" (1109a 28). This is grasped by perception only, and thus is 'relative to us' -- to the particular agent in the situation, with her own characteristics and history (including of course her upbringing in 'moral habits'), etc. What this means, in part, is that perception and action in accordance with the mean is not formulable in some general rule which conduces to some predetermined end. Aristotle does give rough guides for application of the mean. Thus we should compensate for and avoid extremes which we find ourselves inclined towards. Also, we should be cautious about the enticement of pleasures (cf. NE II.9). But the particular action and character which suits the mean is determined only by perception of particulars, not by rules. What I have been arguing is that our perception of the concrete particulars of situations depends on more than simply cognition, but also emotion as Aristotle conceives of these (ie. as elements of moral character). That is, our moral character, our

moral habits, play a central role in perception and judgement. Thus, our moral character is constituted by habits which are 'modes of moral response'.

Our previous analogy makes this point clear and also helps to review the argument of this chapter so far. In Hare's theory moral habits, conceived of as simple rules, may also be said to paint a hazy and general outline of the moral landscape. However, when the elements of this landscape 'conflict', one must, as it were, erase the outline and begin again using the procedures of critical thinking. This procedure cannot rely on the 'rules' of the intuitive level. On this procedure, we have the strict end of maximum utility in view and the results of our picture will be determined by this end. Alternatively, the Aristotelian view discussed above conceives of moral habits as essential tools for 'composing the scene' within which our critical judgements will be determined. The general features of the landscape are outlined and these are then fleshed out in greater detail by reflective thought. We may of course need to modify our outline a finite number of times by referring back to our 'habits'. In addition, we may often need to forgo absorption in our moral 'habits' favor of a more reflective posture. The main point is that our habits help to constitute the final picture. This is not a process of simply using reflective thought to devise a more complex moral code or set of rules. Our application of principles and other moral concerns requires judgement rooted in our experience of particular cases.

Hare might at this point argue that his critical procedure accounts for particulars adequately, and with more precision and clarity than Aristotle's does. After all, critical principles are allowed to be as specific as needed, taking into

account minute details of any situation. In this procedure we might also inquire about and agonize over what constitutes the end or 'the final picture'. It is worth noting, however, that such deliberation must take place within the constraints of impartial evaluation of preferences. Nonetheless, Hare might say, we end up with universal, though highly specific, determinate (ie. act-utilitarian) principles. Thus, judgement in such cases is, in principle, reducible to applying such principles.

This is what Aristotle denies. Aristotle says "that practical wisdom is not scientific knowledge is evident; for it is, as has been said, concerned with the ultimate particular fact, since the thing to be done is of this nature" (1142a 24-25). And again in book two:

> But this must be agreed upon beforehand, that the whole account of matters of conduct must be given in outline and not precisely, as we said at the very beginning that the accounts we demand must be in accordance with the subject-matter; matters concerned with conduct and questions of what is good for us have no fixity, any more than matters of health. The general account being of this nature, the account of particular cases is yet more lacking in exactness; for they do not fall under any art or precept, but the agents themselves must in each consider what is appropriate to the occasion, as happens also in the art of medicine and navigation (1103b34- 1104a 10).

Hare claims that his critical principles take account of this kind of particularity. His (critical) principles do not have to be applicable to other actual situations. The situations for which such prescriptions prescribe universally "can be precisely similar logically possible hypothetical situations" (1981: 42). Thus, as Martha Nussbaum points out, we could here claim to have a "universal principle with only a single instance" (1985: 177). But Nussbaum also points out that such principles hardly can be the basis of an 'ethical science'

(1985:178). That is, they can not be any help to those (like Hare) who need to exclude judgement from the application of such principles. The reasons for this are familiar since we have given them before. As Nussbaum says, "An ethical science with 'principles' this context-specific would have to have a vast and infinitely extensible series of principles" (1985: 178). Also, since they are so closely connected to the particular features of the situation, they can not be anticipated in advance with any precision.

Examples and the development of moral judgement

The Aristotelian conception of the mean and its f undation in the particular context, as well as the rejection of a fixed code of rules for guiding moral choice, suggests that there can be no determinate, specifiable procedure for computing the mean. In other words there are no procedural rules for moral deliberation, or if there are, they are about as determinate (and thus about as helpful) as the moral rules we have been discussing. But Hare might ask what we propose to replace his act-utilitarian procedure with. Do we have a plausible alternative? Is this element of judgement we have espousing just arbitrary choice masquerading as moral judgement? The answers are, respectively, 'yes' and emphatically 'no'.

Aristotle makes an interesting statement in connection with the notion of the mean. He says it "is determined by reason *as a wise man determines it* " (1107a 2, my italics). It is significant that Aristotle makes no attempt to flesh out his definition of the mean and give a method or procedure for determining it.

Instead he says we must appeal to those who serve as excellent examples of moral judgement. Hare's attempt to give us a precise and complete account of judgement (in the form of a decision procedure) is misguided since the subject matter of practical judgement does not allow of such precise description. The important place of examples in Aristotelian moral education illustrates the most important difference between his weak view of moral rules and Hare's strong view; it thus asserts the centrality of moral judgement.

As Charles Larmore points out, "the use of examples forms one way in which judgement is exercised" (1987: 1). That is, examples are instances or at least replications of actual moral judgements. We may include first hand examples or examples related 'second-hand'. Both kinds of examples may be understood as attempts to convey something which can only be shown and not stated (for example in a precept). But, in principle, a view such as Hare's cannot conceive of examples in this way. On Hare's view, in a situation of moral conflict when I must transcend my 'intuitions' and use critical thinking, my moral duty is determined by a single standard of right, the act-utilitarian standard. This of course does not mean that I am necessarily *motivated* to act on this standard, which ushers in a determinate, highly specific principle. Examples of some kind may be needed to "excite [my] imagination and passions" in a way that, by itself, the principle defining my duty cannot (Larmore 1987:1). Examples, on this view, may also help me to see just what my duty is in a particular case. But notice that in both of these functions, the example can play no role in actually determining what is morally right. The principle itself suffices for this. In

motivating me, or in helping me to discern my duty, the example can only do so by appealing to the 'act-utilitarian' in me.

Aristotle's view is quite different in an important way. For Aristotle, as I have explained, our 'intuitions' or habits help to constitute and specify our duty. The standard of right is not assumed to be act-utilitarian, and thus our end is open for deliberation. Something called judgement, in connection with habit or 'intuition', is indispensible in this task. The way this view treats examples helps to make clear what this means. An adolescent, or an adult for that matter, may know that he values a romantic, loving relationship with another person. Part of what he values in the relationship, part of his love for the other person, is not exploiting her, treating her with respect and honoring her integrity. But he is sometimes unsure, as the relationship evolves, as to what 'not exploiting', 'loving' etc. actually involves. He may consult certain rules he has, such as those forbidding lying, breaking promises, and also other principles or concerns such as treating others' conceptions of themselves seriously, concern for friendship, etc. We can assume that in this particular case he has the time and composure to hold these principles out for reflection and to see how they might fit into the particular case at hand. However, at some point he may need to refer to some kind of example of loving care to help him to see what the morally excellent action is in this case. Examples from literature or from those he takes to be truly loving persons may be indispensible. But what is learned cannot be put into words. Similarly, the poet may explain and study poetry extensively with her protege, but in answer to the student's question, 'What do you mean here?' or 'What is good poetry?' The poet can sometimes only point

the student to the poetry itself as an example of what she means or what is excellent poetry. The student can only come to see the point through such examples and through her own active engagement with the world. No doubt excellence in both the moral realm and in the realm of poetry comes only after extensive and rich experience with such examples, role models, stories and personal experiences.

In the moral case, the perception involved will depend extensively on the agent's conception of the good, the concerns and principles and adages, etc. that she brings to the situation, just as the budding poet's discoveries will depend crucially on her poetic 'upbringing' and inarticulate conception of good poetry. But these principles do little by themselves.

What I hope to have shown here is that examples may play a role in developing a more reflective understanding of the good and the right, a role which is ruled out in Hare's theory. If moral education has a role in developing such mature moral judgement, the role of teaching by example can not be underestimated. If rules are summaries of past judgements as I have claimed, then like all summaries they must leave out important detail which must be accounted for in particular judgements. This is why Blake wrote that "To generalize is to be an Idiot. To particularize alone is the distinction of merit" (c.1808: 451). One who relies only on rules is ignorant of or at least ignores important particular features of a situation. It is therefore essential for moral education to point out the limitations of these rules and what they are able to teach us about moral judgement. The more complex the rules get, the more they can teach us and the more they become like examples. But this should not

encourage those who wish to claim that even these more complex rules can be applied by some normative procedure which is less complex and more determinate than Aritotelian judgement. The key point about a good example is that it is an example of judgement and the significance of it can only be fully grasped through experience.

No doubt not all of those who, like Hare, are inclined to see moral judgement as a matter of applying general rules are going to be convinced by this account. But perhaps there is one more point which can be offered to assuage their doubts. Hare claims that proponents of 'situational ethics' "make impossible what is in fact an indispensable help in coping with the world...namely the formation in ourselves of simple reactions patterns" which help us to meet new situations which resemble in important features situations which we have met in the past (1981: 36). If this were true then it would be fatal to the Aristotelian account since moral judgement is not something we experience completely anew each time we exercise it. Any account which ignores this fact, ignores a very secure feature of common sense. Aristotle's view does not ignore common sense. Hare seems to assume that the only available alternatives are the simple unreflective application of rules, and 'on the spot' existential choice. But Aristotle's view offers us an alternative which is much more attractive and seems to make much better sense of actual lived experience. It is obvious that the conception of moral habits as constituents of the good relies on some assertion that past experience plays a role in our moral judgements. Thus, Aristotelian choice is not simply 'on the spot' existential choice. But what role does experience play exactly? Aristotelian judgement

should not be conceived of as 'free-floating' or arbitrary or as something simply involving some kind of determinate situational cost-benefit analysis. How it should be conceived of is elegantly brought out in an analogy by Nussbaum. If we think of what is required of an actress or jazz musician who finds herself needing to improvise we find that such improvisation is not simply "ad hoc" or 'anything goes'. As Nussbaum says, "An improvising actress, if she is improvising well, does not feel that she can say just anything at all. She must suit her choice to the evolving story, which has its own form and continuity.... More, not less, fidelity (to the story and characters of the play) is required" (1985: 198).

Principles may play a role here but certainly not a code of rules. In fact the very concept of improvisation seems to make sense only if we first recognize that, although it can be done well or badly, it cannot be specified by rules. For why would one even want to, for example, 'improvise' on a musical score when this merely meant orchestrated, rule-governed, deviation from the original score? In the same way, codes of rules are of limited value to joke-tellers and navigators (Nussbaum 1985: 179).

In this way, then, excellent moral agents are something like novelists or artists. The moral agent who finds herself in a situation not governed by any 'rules' does not thereby conclude that she can do anything at all. Nor does virtue in this sense reduce simply to the action in the interests of the agent's own well-being, as Samuel Scheffler suggests, if this is to be understood as a form of egoism which excludes the consideration of the interests of others (1985: 254-5). The agent still has concerns, standards, principles, etc. all of

which take into account her own interests as well as the interests of others. All of these factors play a role in her decision. They are 'modes of moral response'. But these concerns appear in a different light and take on a different relevance depending on the particularity of the situation. A sensitivity and responsiveness to this is essential to moral excellence.

Examples and moral education

How can Aristotle's theory help us to cultivate this kind of 'sensitivity and responsiveness' in a way that Hare's theory cannot? Let us first examine some of Hare's comments on moral education. Hare will want moral educators to teach children an understanding of concepts which play a central role in moral discourse. These will include words like 'ought'. So part of this learning will be about the features of prescriptivity and universalizability. What role can examples play in these aspects of moral education? Hare discusses the obvious point that teaching of any kind is unlikely to be taken seriously unless the teacher 'practices what he or she preaches'. There is also the obvious point that 'setting a good example' in this way will be of little use if the person who sets the example is not admired by his or her students (1964: 65).

But this tells us little. What is it to set an example? What do we wish children to take from these examples exactly? Hare makes a few suggestions in this area. Predictably, his suggestions are of two general kinds, corresponding to the two levels of moral thinking. Examples may be used to teach children how to universalize their principles. Good moral examples will

teach children skills such as predicting the consequences of one's actions, discerning the feelings of those affected by one's actions. They will also teach them how to love others, where this is understood (rather outrageously) as treating the good of all others " as of equal importance to one's own good...." (1979: 104). But even if the latter were required by the logic of the moral concepts as Hare claims, the ability to 'act-universalize' is not enough for moral education to teach. This is so due to the problems associated with act-utilitarianism discussed earlier. Therefore, Hare says that examples should preferably be rooted in 'fact' rather than in imaginative literature. This is because fiction is sometimes liable not to "portray the world as we are actually likely to find it" (1979: 102). 'Realistic' examples on the other hand will serve the important moral educational task of equipping us with a "body of sound principles which will do for ordinary situations" (1979: 103).

But will mere principles, particularly Hare's strong rules, 'do' for much at all? I'm not sure what Hare means by the phrase 'the world as we are likely to find it'. But it seems that how one 'finds' the world is profoundly influenced by the complex influences of her experience and her relation to the objects of that world. Even if there is a reasonably uniform code of principles which it is desirable for most people to have, it seems that particular individuals are likely to interpret and apply the principles differently in response to particular situations. As with painters' different depictions of the same scene, this may in part be due to divergent perceptions of the features of the situations. It is absurd to think that our integrity as persons, composed of our understanding of the standards and moral concerns with which we compose our moral judgements,

is likely to survive the assault it would undergo if it were subjected to Hare's ideal of egalitarian love.

Surely it is desirable that people not use sexual relationships as tools for exploitation. This general principle may be extended to exclude specific things like physical and mental abuse, and irresponsible attitudes towards birth control, etc. But clearly what counts as responding to the demands of the principle with love, integrity, and all manner of moral excellence, will differ radically with the different agents who apply it, and the relationships within which the principles are applied. The "general run of human situations" (Hare 1979: 102) seems vastly diverse. In any case it seems obvious that example can go only a very short way towards making our moral principles more determinate. In fact it is the very limitations of our principles that needs to be emphasized in moral education. Examples seem ideally suited to helping to fulfil this task. If I were to use examples to teach children the importance of not exploiting others, I would certainly not want to create the illusion that somehow examples were merely instantiations of this rule or some version of it.

One likely consequence of such an education would be a tendency in children to be satisfied with 'pat' answers to broadly similar but subtly different situations. Another might be a tendency to resort to arbitrary responses. Another example of Hare's illustrates this likelihood. Parents should be concerned with educating children's feelings properly. But this does not mean giving a free reign to emotion. Rather, children should be taught, for example, to show mild anger where mild anger is warranted. Presumably some general rule might come out of this: "Show the appropriate emotion at the appropriate

time, to the appropriate person in the appropriate way". But if the child can be convinced that this is all, or the most important part, of the moral 'lesson' then one's moral education is likely to be severely truncated. The rule itself provides almost no indication of what is required in particular cases. Thus, the child whose moral education emphasized the importance of the rule might have almost no guidelines for applying it adeptly. Alternatively, another child similarly educated but perhaps shown some examples of the use of this 'rule' is likely to become convinced that the particular response(s) used in the example(s) is/are right for all similar occasions. Attempts to replicate this/these response(s) are bound to come off as forced and inauthentic, or at least will not be well-suited to the new situation. The rule itself teaches us exceedingly little, and examples taught as instantiations of rules teach us no more.

An education based on a strong view of moral rules provides an upbringing which is worse than useless to the cause of moral excellence. Examples can help create and reinforce habitual moral responses (eg. against hurting others) and also the disposition to detach oneself to some degree from these responses to allow a reflective sensitivity to demands of our moral standards as well as to the particularity of the situation. What needs to be emphasized is the dialectic between these moral responses which constitutes moral judgement. But obviously much of what is learned is simply inexpressible in rules. Only the examples themselves can teach what is crucial. Therefore, a weaker allegiance to rules in moral education and closer attention to moral judgement allows us to avoid lending support to moral 'idiocy' and might encourage us to foster moral excellence of an important kind.

Notes to Chapter One

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[1] Hare does allow that in some 'simpler' cases of intuitive thinking "we may 'feel sure' that some principle or some feature of a situation is in that situation more important than others.... We shall then be able to sort the matter out intuitively, letting one principle override the other in this case, without recourse to critical thinking" (1981: 50). But any intuitive choice between principles makes sense only insofar as it converges with 'critical' judgement.

[2] It is important to note that judgement does not automatically become arbitrary due to the absence of canons. Standards can be invoked to support certain outcomes over others. For example, in the friendship case, I might invoke the standard that " trivial duties to one's friends may be overridden if doing so will produce some enormous public benefit". But judgement will be certainly required to apply these standards (ie. what is a 'trivial duty'; what is an 'enormous' benefit?). It is still true, however appropriate the standards invoked might be, that "the evidence is liable to conflict or point in many different directions, or is simply baffling, and it does seem that some weighing or judging for which nobody can describe a decision procedure does inevitably take place" (Urmson 1988a: 166). This element of judgement is obviously very common if not ubiquitous in the moral life as humans know it.

[3] This example, and the point it illustrates, was suggested to me by Eamonn Callan.

[4] I owe this excellent one liner to G.J. Warnock, who used it in a slightly different context in his "Morality and Language: A Reply to R.M. Hare" in The Domain of Moral Education, eds. Cochrane, Hamm, Kazepides (Paulist, 1979).

Notes to Chapter Three

1 All references to Aristotle in the next two chapters are to The Nichomachean Ethics. General references are given in the form (Book I, Chapter 1). References to specific passages use Bekker's numbers (eg. 1234a 12).

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